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HISTORY OF CIVILISATION IN SCOTLAND.



THE HISTORY
OF
CIVILISATION IN SCOTLAND.

• BY
JOHN MACKINTOSH.

VOL. I.

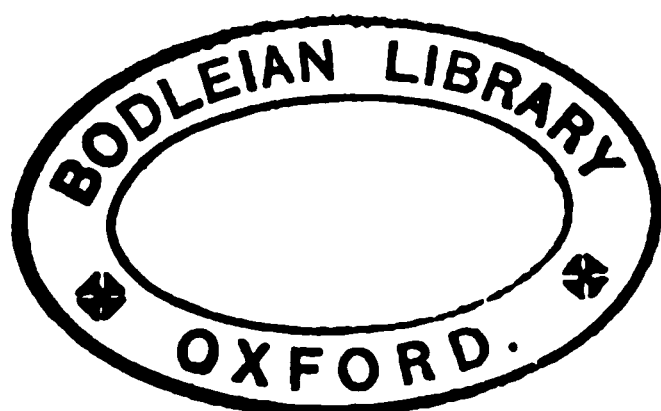
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TO

The Memory

OF

JOHN STUART, LL.D.,

I CONSECRATE THIS

VOLUME.

THE HISTORY OF CIVILISATION IN SCOTLAND.

CHAPTER I.—INTRODUCTION.

Section I.

THE SCOPE OF THE WORK.

CASTING the mind back has alway been congenial to man, to find the state of his kindred in the roll of by-gone ages and behold the unfolding of the web from rudeness to comparative refinement. In every stage of a national career from barbarism to civilisation, there is a multiplicity of conditions involved, underlying changes so remote, imperceptible, and diversified, eluding observation; though by seizing the salient points it may be understood. It is interesting to review the struggles which must be passed through, the obstacles encountered and difficulties met at almost every turn; while slowly but surely the impeding and retarding elements are overcome by the persistent energy of man. The light of reason dawning and gradually dispelling the darkness, the mists of night that lowered around, enveloping the minds, ruling the feelings, passions, and emotions of our ancestors as hovering shadows; whilst the flickering rays ascended the horizon, loosening the fetters here and there—when the quickening sweep of intelligence struck, they began to burst and vanish. A new spirit arose in the East amid the gloom, destined to illuminate humanity and subdue the wild features of the race. According to its purpose it rapidly disclosed, disseminating itself through the world, it arrived at our shores; spreading its

beams, diffusing hope, and facilitating the march of a benighted people ; until emerging from the trammels of ignorance and superstition, they enjoyed a happier existence.

This work will not contain a full political history. Its aim is to reach the intellectual and social elements, and unfold the successive phases of the culture and progress of the people. As every region of human effort is more or less interwoven, the political department will often come up ; at some periods it may be the most prominent thing, and must be treated accordingly.

In any attempt to show the causes inducing a race of barbarians to pass through the various stages of advancement to a comparatively high civilisation, many conflicting influences must be grasped ere anything like consistency is attained. Scotland offers a pretty fair field for the study of this subject. The struggles arising from difference of race and foreign interference are fully manifested ; altogether a hard course of discipline was endured.

But it should be distinctly understood that Scotch civilisation is not put forward as the norma of general civilisation ; it is only a special development. Many countries have a greater and more complete history than Scotland ; and a few of the essentially human elements of civilisation have never reached a high level among us. Instead, therefore, of laying down hard and fast lines at the commencement, with which all subsequent events and results must square, I deem the end the proper place for such a statement. All that seems necessary at the outset is some general explanations, leaving the rest to fall in successively as they come upon the scene.

At present, several conflicting historical theories exist, each more or less obtaining favour. Many have essayed to construct a philosophy of history, but hitherto with doubtful success. Without entering into an examination of special theories, two important distinctions may be noted, which are at the root of every comprehensive historic conception. The one is, that all

savages and races in a low stage have fallen from a higher state which their ancestors once occupied. This is sometimes called the degradation theory. The other leans more on the principle of development, and looks on civilisation as a gradual progress from savagism and barbarism; on the whole, assuming that there has been no degradation from an original high state to a lower one. That existing differences between nations, savage and civilised races, are the result of a long and great series of causes and circumstances, part of which are well known, and the remainder always undergoing investigation.

But it is, of course, fully recognised that progress may be arrested; that a people may and sometimes have fallen back from a position they once held. This view merely implies that the first start was from a low stage or something resembling the savage state; and that in the main progress has prevailed.

There are, however, philosophers and historians who will brook no opposition, and spin the universe and all its works from their data in logical sequence.¹ To such an all-embracing system I make no pretension.

Much diversity of thought is abroad on the origin of man²—the length of time he has been upon the earth; the stages which the race have passed through; and man's relation to vegetable and animal life and creation. Though these questions

¹ Hegel's *Philosophy of History*, English Translation, pp. 8-12. 1857.

² Darwin's *Descent of Man*, 2 vols. This is an interesting book; but it is essentially unscientific, and anything rather than philosophic. Mr. Darwin may really be a great naturalist, though his philosophy is extremely weak. His book is full of crude notions, assumptions, and wild conjectures. Far from solving the question of the origin of man, it is obvious he has only a confused notion of the real difficulties which surround the problem, and demand to be grappled. If the hop-step-and-jump theory—that "man is descended from some fish-like creature far down in the ocean"—be admissible, then he will throw a flood of light on the subject. That this book should have gained such authority, says little for the appreciation of scientific method.

It is supposed that man has lived on the earth 100,000 years (C. Bray's *Manual of Anthropology*, p. 19. 1871). There is nothing, however, to enable us to fix the length of time man has been on the earth; it might be 50,000 as likely as 100,000, for anything we know.

are exceedingly interesting, this is not the place to discuss them.

Regarding a philosophy of history, notwithstanding all that has recently been done,³ it is not yet found. Even though we had reliable and sufficient materials to work upon, and a man arose with analytic and constructive powers to grasp them, it would be rare if he was equally qualified in emotional and sympathetic compass to appreciate the varied forms of social and religious institutions met with throughout the world; and the consequent diverse lines of thought and moral notions which prevail or have prevailed in different regions of the earth. Besides, the philosophy of the human mind itself and the moral sciences are hardly yet in a state to afford the basis of a perfect historical theory; while the subsidiary branches of ethnology, anthropology, and archæology, are rather contradictory and fragmentary to supply ground for building a universal theory of history.

The historical field itself is not advanced enough for the successful realisation of so wide a scheme: As general conclusions on collective bodies of men and nations, to be of any value, must be formed from an extensive examination and comparison in every case. If, then, the essential characteristics and peculiarities of each or any nation are still unknown, how can any one hope to construct a philosophy of their history? Better and fuller histories of the extinct as well as the existing civilisations of Asia, Africa, America, and Europe must be forthcoming ere anything like a philosophy of history can be expected. The first step in this direction must be sought in a class of searching histories of each nation and civilisation. Indeed, with all the aids and materials available, the history of the civilisation of one nation is a task of sufficient magnitude and difficulty. The arrangement and manipulation of it, not to speak of thought and style, will consume the better part of a lifetime.

A question has been raised whether the intellectual or the

³ See Flint's *History of the Philosophy of History*, Vol. I. 1874.

moral powers of man contribute most to the progress of civilisation. The distinction has been pushed beyond reasonable limits.⁴ Intellect is rarely entirely separated from our feelings and sentiments. We can have no government, nor law, nor social order of any sort without morality; while the great principle of sympathy runs throughout, and more or less connects the whole society, be it a village community, a small tribe, or a powerful nation.

To take the fine arts, sculpture, painting, and music. Here the emotions, the feelings, and passions are as much involved as the intellect. What kind of a production pure intellect, or rather cold intellect, would cast can only be surmised, because no specimen ever appeared.

Though the intellectual and moral departments of mind are on one side well marked off, on the other they constantly act and react on each other. It is therefore unlikely that anything can be gained to historical theory by drawing hard and fast lines between them. This may be done for simplification, but it must be understood that the division is imaginary, that moral causes cannot be excluded and ignored without destroying the basis of history.

If, however, it be deemed necessary to make this separation between intellect and morality, which I regard as fallacious, then it seems to me the moral element should be placed highest. What is the use of the greatest talents if unrestrained by sentiment and feeling? What does the history of the world manifest? Alexander the Great panting after universal empire;

⁴ Buckle's *History of Civilisation*, Vol. I., pp. 204-206, 208, 209, 2nd ed. Buckle insists stoutly on the superiority of intellect over all moral ideas and sentiments. He summarises his views thus—"The changes in every civilised people are, in their aggregate, dependent solely on three things: first, on the amount of knowledge possessed by their ablest men; secondly, on the direction which that knowledge takes—that is to say, the sort of subjects to which it refers; thirdly, and above all, on the extent to which the knowledge is diffused, and the freedom with which it pervades all classes of society" (*Ibid.*, p. 205). Buckle's idea that the force of intellect diminishes the chances of war between civilised nations is quite untenable. What it really does is to make war more destructive.

the conquering and remorseless hosts of Rome ; Mohammed and his successors leading their armed hordes through blood, rapine, and carnage to gain and retain power to themselves ; again, Napoleon the First marching his hundreds of thousands like sheep to slaughter. Buonaparte was endued by nature with great faculties, but he became inwarped in egotism, and bared his humanity to the bone, till it clattered in hideousness and wallowed in gore. Who would covet a single wreath of the garlands or a feather of such plumes as encircled his brow ? He displayed intellect, but little or no morality. We have no faith in the gospel of might, or in the man that tramples justice and sympathy in the dust. The moral principle is the supreme, the highest power in the universe, the sublime temple of our liberty and glory.⁵

It may be easier to find fault with the history of the world, a nation, or a great man, than to understand them. But it is equally easy to take refuge in phrases about the divine will, the divine goodness, or that the Universe is ruled by absolute reason manifesting itself in great men.⁶ It is, I repeat, easy to philosophise in this fashion, though it is only libelling the Deity ; attributing to Him the passions of a ruffian who perchance bears the title of emperor or king, who may be filled with an insatiable ambition.

Intellect, notwithstanding its greater compass, is as cold to-day as it was three thousand years ago. Intellect, in its unrestrained action, is as cold as steel, and utterly regardless of

⁵ This view runs contrary to that of the great Idealist, Hegel, and also to the theory of Victor Cousin, Carlyle, and Froude. Hegel looked on such ideas as those expressed in the text with utter contempt. Flint's *Philosophy of Hist.*, Vol. I., pp. 190-200, 528.

⁶ Hegel's *Philosophy of Hist.*, English Translation, pp. 32-34, 38, and Flint's *Philosophy of Hist.*, Vol. I., pp. 528, 530, 531. "Those persons who form ideals of truth, justice, and liberty, as applicable to the individual units of the social mass, and who condemn in consequence what is as not what it ought to be, are superficial, fault-finding, and envious ; the real world is just what it ought to be—the real is rational, and the rational real" (Flint, *Ibid.*, p. 513). Flint's criticism of Hegel is exceedingly good.

human suffering when coming between it and its object. What is supremacy of intellect but supremacy of force? What is it to us though the universe be ruled by intellect, even infinite intellect, if it proceed as an irresistible force, crushing with a remorseless energy everything which crosses its path? It is only man, when essaying to justify wholesale murder that invokes the Supreme Ruler of the Universe as on his side. Let us not impute to the Deity the actions of kings and great men, nor their consequences, when they themselves are responsible. It is an awful fallacy to fancy that man can throw the responsibility of his actions off himself, and lodge them on the Deity. The time for such notions is gone, they are incompatible with the growing sense of justice, and wholly repugnant to the noblest and the best sympathies of the race.

The world at this moment is not what it ought to be, nor even what it might have been. It is true, four of the chief civilised nations of the world have among them about ten millions of armed men, all equipped with the most improved and effective engines of death and destruction which the ingenuity of the age can fabricate. These vast hosts may at any hour be hurled at each other's throats. They are all at the beck of ten or twelve individuals, whose caprice, envy, ambition, or fear, may launch the millions to their work of slaughter. Is this a state of matters to admire? Is this the rational? At all events, it is the real. Is it not a horrible state, when a few men under the influence of their own passions and impulses have the power of causing such havoc and suffering? And for what end? Not to make the people they rule more happy and secure; as one war always leads to another and another, until the military force becomes exhausted: so decrepit and decayed, it sinks into dust by the weapons forged with its own hands.

The goal to which we must look cannot be reached by armies; even though intellect there reign for a time, invested with all its regal circumstance and glittering pomp. All

history proclaims aloud that every empire and kingdom exclusively built on military force inevitably plays itself out. It matters not how much intellect it has, that cannot save it when the hour of reckoning comes. Look at Rome with the accumulated experience of more than a thousand years, and the intellect of the civilised world at its command, but this could not protect it from the half naked barbarians. Why could not this empire of military principle and intellect hold out against the undisciplined rabble of barbarians? Simply because it was exhausted and played out; and because it never had a moral heart and sympathy commensurate with its intellect.

The moral nature of man is as susceptible of improvement as the intellectual, though not exactly on the same ratio. Both are the slow growth of prolonged discipline, often repeated efforts, defeats, and disappointments. The sentiment of justice itself is progressive: at first obscure and contorted, it is always gaining in clearness, depth, and comprehensiveness. From the dawn of recorded history, the moral apprehension has been growing in intensity and compass. That it will continue to gain in the future as it has in the past is no mere delusion; that it will continue to advance and expand through all coming ages has been the cherished hope of the best and the noblest examples of the human race.

It is necessary here to try and explain what is embraced by the word civilisation. It cannot be drawn within a sharp definition. But for the sake of clearness, a general idea of what it is meant to comprise is requisite.

It may be said the savage state is the lowest, beyond which it is unnecessary to look. In it knowledge is most limited and organisation most imperfect. The barbarian state is more advanced, though in many respects still rude. Then the highest cultured nations, where knowledge is most diffused and applied and organisation most complete. Such distinctions, however, admit of various degrees within each. As among

savage tribes, some may be more or less savage than others ; and so on among barbarians and civilised nations.

Hence the word civilisation is often used to contrast a nation which has attained a high degree of material wealth and power with a state of barbarism, as to mark the superiority of the civilised in the mechanical arts and appliances, and in higher social and political organisation ; or to note the difference in intellectual attainments of the barbarous and civilised states of society, and to point out the degree of improvement a nation has reached in moral elevation and freedom.

Freedom and morality are important elements in the comparison of different civilisations. If the ancient civilisations of Greece and Rome be tried on this ground, both will be found remarkably imperfect. As the institution of slavery entered largely into the constitutions of these civilisations, it mattered little how good their other constituent parts were ; this vitiated their heart and destroyed their spirit. Humanity is a word which we will not find in Plato or Aristotle. The very idea of mankind as one family, as the children of one God, is an idea of Christian growth, and even now it is but vaguely recognised, nay, among many rejected with scorn.

More precisely, a national civilisation denotes the degree of perfection realised in its organised life. If civilisation was perfect, then we would have perfect citizens and a perfect state. But one highly civilised class does not make a nation highly civilised ; neither does the quantity nor the quality of its literature determine its rank in the scale of civilisation. This entirely depends on its diffusion throughout the social body, the degree in which it pervades the national spirit and life. Civilisation is to the nation what culture is to the individual, the harmonious action of their whole nature, the full elaboration of the social organism into balanced being.

Since, though all the physical wants of man were satiated and the accruing pleasure enjoyed to the utmost, it would be but a sorry condition if unmingled with the gratification arising

from intellectual, moral, and religious energy. The exercise of the intellect and sympathy affords the purest and most lasting satisfaction. The human mind is capable of receiving much delight from the contemplation of the achievements in poetry, music, sculpture, architecture, and painting, and also from surrounding nature—all of which are elements of civilisation.⁷

The complex nature of man constantly requires more or less relaxation and amusement to sustain him in a fresh and healthy state, especially the young, whose spontaneous energy must have vent. The amusements of a people are part of their civilisation, invigorating and harmless, or loose and corrupting, always in harmony with the prevailing bent of the age. What once received the applause and called forth the huzza of the assembled multitude, would now be deemed quite inadmissible. Thus the changing sentiments and varying taste of society manifests itself.

The history of civilisation may be regarded as the progressive growth of a nation, in its social and political condition towards perfection. And together with the development of its natural resources in the material and industrial arts, the mechanical skill and the commercial activity of the people; finally, the development of its literature and its contributions to the science and art of the world. In this light, civilisation tends to raise us to a higher stage of life and enjoyment; no longer frightened at the sublime and manifold operations of nature, but, turning many of them into our service, we pursue our course with more freedom and spirit.

It is difficult to enunciate a general principle on human progress, without laying it open to exception. The prime necessities of life has been reduced to four elements—namely, pure air, warmth, food, and rest after action. And much of

⁷ For the paragraphs on civilisation I have consulted among others the following authorities—Taylor's *Primitive Culture*, the first vol.; F. M. Muller's *Lectures on the Science of Language*, Vol. I., p. 141. 1875; *Studies in the Philosophy of Religion and Hist.*, pp. 265, 266, by A. M. Fairbairn; Flint's *Phil. of Hist.*, Vol. I.; *A Survey of Human Progress*, by Dr. Neil Arnott, pp. 79, 80.

the energy of the race has always been directed to procure these ; but it is probable that the struggle for food has had most effect on the progress of civilisation. The pressure of want is the chief incentive to exertion throughout the animal kingdom ; and it soon affects mankind. As their numbers increase it presses more and more, always demanding more energy. This operated upon the human family from the earliest times, long before written records ; and it will continue so long as the conditions of life on the earth remain the same. The very evils to which man is exposed tend to draw out the latent faculties of his being—one step clears the way to another, which, in turn, calls forth something else ; and once a few stages are gained, wants multiply more rapidly, though unequally, according to surrounding circumstances. The principal difficulty, however, is to keep on the line of improvement, as many communities have apparently advanced to a fixed point, and stuck there, like some of the Eastern tribes and nations.

It is palpable there must be a connection between the natural features of a country and its inhabitants, though at this day the influence of physical agencies on man's development is only imperfectly known. The direct action of climate, soil, and food is difficult to estimate, and probably varies greatly in different regions. Its working is exceedingly obscure, and our knowledge of it rather uncertain. The reason of this is—the direct action of physical influences is necessarily independent of volition ; consequently, man is merely passive under it, while he ever seeks to gratify the inherent cravings of his being. The primeval feelings and emotions are impatient, and bound into activity with endless degrees of force ; hence the diversity of historical conditions, political conflicts, and amalgamations, which concur to throw out manifold results.

The indirect action of external nature is more potent on the development of man. It presupposes a reaction on man's part,

under the stimulus of his wants and activities. In this relation the influence and weight of physical agencies upon man and society are everywhere felt.⁸ Doubtless, in the early stages of society, the external and surface influences produced greater effects than in more advanced states of organisation.

In the infancy of the race, and the early stages, when man looked wistfully around him in wonder and amazement, he readily snatched at everything, and believed in whatever gave him any explanation, and relieved his embarrassment. His senses and fancy are so much stronger than his reason, and his whole being so vividly impressed with the manifestations of nature, above and on every side of him, he never for a long time thought of questioning the impressions of his senses, or checking the rude imagery of his mind. This, in brief, is the state out of which arose the myths and legends of early times.

Section II.

THE GEOGRAPHICAL FEATURES OF THE COUNTRY.

Scotland is separated from England by the river Tweed, the Cheviot Hills, the Liddel Water, and Solway Moss. The range

⁸ *Survey of Human Progress*, by Dr. Neil Arnott, pp. 26, 96, 148, 149. Flint's *Philosophy of Hist.*, Vol. I., pp. 103, 104. I may here give a specimen of the opinions of another writer :—" We have found a diversity in the men of the two sides of Scotland, and that this diversity corresponds with the diverse character of the soils of the east and west sides. We have found, too, a natural law that determines diversity in soils, and diversity in the properties of the food the soil affords. I am surely, then, justified in inferring that the east and west countrymen are the expression of the soil, in the same sense that the flora and fauna of the two sides are its expression.

" Surely, then, it must be conceded that the character of the Scotch is the expression of the soil of Scotland. If this be granted, then it follows that his language is of the soil ; for I see it confined to the sterile districts, and seems to be retained there, because the condition of the poor districts, as food producers, remains unaltered. . . .

" The short and the long of all questions relating to man resolve themselves into a food question, and that again into a soil question, and that again has been determined by our law of winds and currents" (*Anthrop. Memoirs*. London. Vol. III., pp. 179-181. 1870). Such is often the stuff one finds when seeking information on a difficult point.

of the Cheviots naturally fixed the southern limit of the country. The boundary between the two countries runs in a slanting direction from Berwick-on-Tweed to the Solway Firth, a distance of about 70 miles. Except on this line, Scotland is surrounded by the sea.

The coasts of Scotland are exceedingly irregular and broken, especially on the west coast, where indentations, and arms, and inlets of the sea are numerous. On the south and north coasts, the bays and inlets are not so numerous ; and the east coast is much less broken than the other sides, but in it are the two important openings of the Firths of Tay and Forth. Owing to the number and extent of these inlets and firths, the coast-line of Scotland measures about 2500 miles—a length comparatively much greater than the coast-line of England. This affords various industrial and commercial advantages, though it was long ere they were utilised, and even now they are not fully developed.

The greater part of Scotland lies west of England. The east coast is nearly in a line with the middle of England, and the west coast in a line with the east of Ireland. The North Channel between Cantire and Ireland is only 13 miles wide. Between Scotland and Denmark there is 400 miles of sea ; between Scotland and Norway there is 300 miles of sea. These natural facts assume a relative bearing on the history of Scotland.

Off the northern mainland lies the Orkney Islands. They are separated from Caithness by the Pentland Firth—a dangerous channel, 6 miles broad, noted for the strength and rapidity of its tides and currents. This group amounts to upwards of sixty islands, but most of them are small, and some merely bare rocks. Only twenty-nine are inhabited. The largest of the group is about 30 miles long. The surface of these islands mostly consists of dreary heathy wastes, intersected with rocks, hills, swamps, and lakes. Some portions, however, of the land in the Orkneys is pretty good, yielding

fair crops of grain, and good pasturage. The climate is moist, but not severe.

The Shetland Islands lie about 100 miles off the coast of Scotland. They are separated from the Orkneys by 70 miles of sea. The group exceeds one hundred islands; but more than the half are small holms or rocky islets. The largest is 50 miles long, of very irregular form. About a third of the whole number are inhabited. These islands are rather more rugged, bleak, and barren than the Orkneys. But the Shetlands are only 200 miles from Norway, and become important in connection with the colonisation and early history of the north of Scotland.

The Hebrides, or the Western Islands, lie on the western side of Scotland. They are very numerous, and stretch along the western shores nearly to the coasts of Ireland. They are regarded as the natural break-water of the north-west coasts.

The Hebrides consist of two chief groups—those lying close to the mainland, as Iona, Mull, Islay, Skye, and others, called the inner group; and those lying to the west of the Channel of Minch, usually called the outer islands. This outer portion form a continuous group of 140 miles, so close that they are commonly regarded as one, and named the Long Island. The Island of Lewis is 60 miles long, the largest of the group, and the largest island belonging to Scotland. To enter into any description of these islands would go beyond the scope of this work. It is necessary, however, to state that some of them probably were early inhabited; that they are connected with the colonisation of the west of Scotland, and the introduction of Christianity.

The islands in the Firth of Clyde are Bute and Arran, the two Cumbraes, and the Rock of Ailsa. The climate of Bute is mild. Its central and southern parts contain ground well suited for tillage and pasturage, though its northern extremity is rugged. Arran is noted for lofty mountains and glens; only

a small portion of it is cultivable. Ailsa Craig lies in the broad part of the Firth. It is an insulated hill, about two miles in circumference, rising in steep cliffs to 1098 feet above the sea. It is a great resort of the solan goose, and immense numbers of other sea birds.

On the east coast of Scotland there are only a few detached islets. The Bass Rock, on the south side of the entrance of the Firth of Forth, is a mass of basalt rock, rising perpendicularly to 400 feet above the sea. The islands of May, Inchkeith, and Inchcolm are all in the Forth. The Bell Rock lies 14 miles east of the entrance of the Firth of Tay, the site of a notable lighthouse.

Passing through the slightly modulated or the more rugged regions of Scotland, and looking out around us, we behold a country ramified with mountains, rivers, lakes, valleys, and glens, beautifully diversified, intersected here and there by arms and inlets of the sea, and on every side lashed with the fury of the approaching and receding waves of the ocean. The existing scene of external nature is the combined result of the manifold operation of natural forces, which have been working for untold ages, reaching so far back into the bygone eternity as utterly to baffle all our means of reckoning. This part of the earth, like the rest, has undergone many changes, and passed through many stages. - In the long roll of fargone time, if we could recall the echoes from the mighty depth, or figure in imagination the successive phenomena of collusion and conflict; the comingling of fire and water, and other elements—seething and rumbling, and roaring, or mayhap blasting, and heaving, and blazing forth with immense energy and indescribable magnificence; the many and varied forms of life which have fledged upon the forming globe ere it assumed its permanent condition—then we might have some faint idea of the sublimity and grandeur, and withal the infinite significance, of the great work of creation.

The space where Scotland now is, has not only been

repeatedly submerged by the ocean, but also enveloped in mountains of snow and glacier ice. The action of the moving masses of ice in scooping out and deepening many of the lakes, and modifying the contour of the mountains and hills, has probably been great. And the wasting powers which rains, springs, frosts, winds, and the sea are known to possess, have all contributed to produce changes on the surface of the earth, and complete the variegated shade and hue of the natural scenery of the country.

Without entering into many details, the principal mountain ranges, and the river system of the country, may be briefly indicated, beginning with the Highland mountains, which naturally mark off that region, dividing it from the eastern Lowlands, and the central valleys of the Forth and Clyde. The great chain of the Grampian Mountains runs from the coast of Kincardineshire across the island to Ardnamurchan.⁹ Their greatest elevation is reached at the western end, by the summit of Ben Nevis, a huge mass rising 4406 feet above the sea, the highest mountain in the British Islands. It does not, however, come within the limits of perpetual snow. The average height of the higher tops of the Grampian range is from 2000 to 3000 feet above the sea. To the north of this chain, rows of mountains run away in successive waves to Cape Wrath, the shores of the North Sea and the Moray Firth, and southwards along the west coasts to the Mull of Cantire, gradually diminishing in height as they approach the coasts, where the valleys of the rivers widen out into limited plains.

These mountains of the Highlands are mostly formed of masses of rocks, consisting of gneiss, schist, granite, and other rocks. Granite covers a considerable space in the Highlands, and enters largely into the strata of the mountains.

⁹ These mountains in early times were known by the name of the Mounth. See Dr. Skene's *Celtic Scotland*, Vol. I., p. 11. 1876. There is a very able description of this, and the other great mountain ranges of the country, in the introduction of this important work.

There is much variety in the scenery of the Highlands, and also much similarity and wonderful order. The array of craggy peaks and pinnacles, overhanging the passes and glens, exhibit a marked similarity of bend and slope; even a noticeable uniformity of average height is presented in these mountain ranges.

The deep and narrow valley of Glenmore forms a singular feature in the physical conformation of the Highlands. It extends from the head of the Moray Firth, on the north-east, to the Sound of Mull, a distance of about 100 miles. Its north-eastern end is filled by the Moray Firth, and its south-western by Loch Linnhe. In its middle portion there are three long and narrow lakes—Loch Ness, Loch Oich, and Loch Lochy. They are in the midst of rich, varied, and beautiful scenery. The Caledonian Canal now connects the whole by navigable channels, from shore to shore.

A considerable part of the Highland region consists of open moor. The tract called the Moor of Rannoch extends over 400 square miles of country, which is little better than a desert. Its surface is a level plain, covered by a great bog, producing hardly any vegetation, except a few fir trees. To the north of it, there is another sterile tract, lying between Ben Nevis and the shores of Loch Erich.

The Lowland district is well marked off on the one side by the lines of the mountain chains, and on the other, though less sharply, by the southern Uplands. From St. Abb's Head, across the country to the cliffs of Portpatrick, there is a range of hilly ground. This tract, from sea to sea, consists primarily of hard greywacke and shell, intersected here and there by limestone bands, that strike from south-west to south-east. In East Lothian and Edinburghshire, the long chain of the Lammermuir Hills rises into steep heights. The surface of the Lammermuirs, like most of the southern hills, is pretty smooth, and covered with heath or coarse grass, except where the peat covers the hollows, and where the streams keep open

their channels through the bare drift or hard rock. Their tops are broad, smooth, and grassy ; but on the western ridge they descend abruptly into the plains, and exhibit gulleys and narrow glens, through which the drainage passes into the low grounds.

The heights of the Lammermuirs may fairly pass as a specimen of the general scenery of the country between the North Sea and the Vale of Nith ; though in the higher parts of the district, in some places, the smoothness and verdure of the hills are exchanged for the rocky scarfs, bare crags and cliffs, and deep defile, reminding us of some parts of the Highlands.¹⁰

The Lammermuirs, the Moorfoots, and the Pentland Hills, in the south of the Lothians, form a range from east to west. Further south, the boundary Cheviots, the Moffat Hills, and the Lowther Hills form a continuous range, extending in a zig-zag course from east to west. The general features of these southern and border hills are remarkably uniform throughout. They are mostly covered with pasture nearly to the tops, and a great part of this region is naturally and essentially a pastoral land.

The Lowlands of the south of Scotland consist of a series of fertile valleys, some of them of considerable extent ; and here we meet with a different local topography. The word dale, instead of glen or strath, is used to indicate a tract of low ground, a pastoral or cultivated valley. Among these are Tweeddale, Teviotdale, Lauderdale, belonging to the basin of the Tweed ; Liddesdale, Eskdale, Annandale, Nithsdale, belonging to the respective rivers of the same name—all of which slope towards the shores of the Solway Firth.

Many parts of the Lowlands are dotted with hills, even long ranges. The Sidlaw Hills commence in the vicinity of Perth, thence extending in a north-east direction, and terminating by a rapid declivity on the side of Strathmore, but

¹⁰ A. Geikie's *Scenery of Scotland in connection with its Geology*, p. 238. 1865.

descending in a succession of terraces towards the North Sea. South of the Sidlaw Hills lies the Carse of Gowrie, along the Firth of Tay, a plain of two or three miles in breadth, one of the most fertile in Scotland.

The Ochil Hills, with their offsets and outlying branches, occupy much of the peninsula of Fife, and rise in some parts to a considerable height. Ben Glack is 2359 feet above the sea. Generally the hills leave a narrow belt of low land round the shores. Indigenous rocks abound throughout the central district of Scotland. The mineral wealth of this region forms its chief feature, and has made it the focus of industry.

The greatest extent of level ground in Scotland is the plain which runs from the banks of the river Forth, above Stirling, to the neighbourhood of Stonehaven, where it is ended by the approach of the Grampians towards the waters of the North Sea. This plain, called Strathmore, is nearly ninety miles in length. Its breadth varies from sixteen miles in its widest part, along the course of the Forth and Teith, to less than a mile at its northern extremity, where, as just mentioned, the Grampians brings it to a close. Strathmore is the largest extent of level and cultivable land in Scotland. Throughout there is scarcely an eminence to obstruct the view.

Among the physical influences of external nature, none are more important in their bearing on the people than the water courses of the country. The Watershed of Scotland runs southward from Cape Wrath to the head of Loch Quoich, whence it turns eastwards between Lochs Lochy and Oich to the hills above the head of Loch Laggan. Then following a curving southerly course, it passes the west end of the Moor of Rannoch, and the Brae Lyon Mountains, to Crianlarich; thence across Ben Lomond, and south-eastward over the Campsie Fells, into the broad Lowland Valley. Skirting the south-western parts of Linlithgow and Mid-Lothian, it sweeps up into the Pentland Hills, then due south between the valleys of the Clyde and Tweed to the Hartfell heights; thence it strikes

across the southern uplands to the Cheviot Hills. To the west of this line the water flows into the Atlantic, and to the east it enters the North Sea, or the Firths therewith connected.

Owing to the steepness and mountainous nature of the west side of the island, the watershed keeps much nearer to the Atlantic than the North Sea; hence the greater part of the country is drained into the latter. In the northern half of Scotland no large river enters the Atlantic. On the east side, the Spey, the Deveron, the Don, the Dee, the Tay, and a number of smaller rivers carry the drainage of the mountains into the North Sea.

On the western side of the watershed, as it passes through Sutherland, Ross, and Inverness shires from Cape Wrath to Loch Quoich, most of the great valleys that enter the sea come down from the south-east, and their seaward portions are filled by the tides of the Atlantic. These form a series of inland sea locks, narrow firths, and fords, which characterise the coasts and the scenery of the western shores of Scotland. In some parts the scenery on the shores of the inland lochs is exceedingly grand. Here magnificent views of rocks, rugged mountains, and raging ocean are easily obtained.

There are three chief rivers in the central Lowlands, the Tay, the Forth, and the Clyde. The two first descend from the heights of the Highlands, and the last from the high grounds of the southern counties. The basins of these rivers are not separated from each other by ranges of hills; between the Clyde and Forth the ground undulates across the great coal fields from Campsie to the Pentland Hills.

This plain extending between the Firths of Clyde and Forth is a remarkable feature in the physical configuration of Scotland. The two firths penetrating on opposite sides, and opening out the mouths of the rivers, nearly cuts the country into two halves. Its breadth is reduced at this point to forty miles; this has issued in important industrial and commercial results. As

we will find, its influence in a political and military form' was great, and appears at the dawn of recorded history.

The numerous streams and rivers raise a corresponding variety of passes, glens, dales, straths, and valleys. But it is in the Highlands where the narrow defile, the rugged glen, the long and winding strath, are best developed. The leading figure of this part of the country shows that it is little suited for the processes of agriculture; only with extreme industry can it be made to yield anything: Excepting in the valleys and on the banks of the streams, or towards the coasts in some of the limited plains; there never was, nor could be, much grain produced in the Highlands. Indeed, the natural soil of Scotland is comparatively poor everywhere; but it is in the plains, and the banks and haughs on the rivers, that the best land of Scotland occurs.

Lakes are still numerous in Scotland, though in early times there were more. Many of them have been drained and turned into land, while the natural powers of growth have turned some of them into peat mosses. The lakes are most common in the middle and Highland divisions of the kingdom. The largest lake in Scotland is Loch Lomond. It is twenty-four miles long and seven at its widest part, and contains upwards of thirty islands, many of them richly wooded.

It is regarded as demonstrated that the greater part of the lakes of Scotland were formed or deepened by the action of glacier ice. Some of the Scotch lakes are scooped out of the solid rock; and the immense weight of a moving mass of ice is held to be the force which has largely contributed to this result.

The country, though poor in soil, is rich in the raw materials of industry. Limestone, greenstone, freestone, flagstone, slatestone, and granite of various kinds are abundant. The coal and iron district extends from Fife Ness to the coast of Ayrshire. Throughout this tract the coal measures have been estimated at about one thousand square miles. The

richest portions of the coalfields are those in Fifeshire, the neighbourhood of Glasgow, and to the south and east of Edinburgh. Ironstone abounds in many parts of this district, especially near Glasgow, and the region to the eastward and northward of that city. Coal has also been found in a few other places ; indications of it are met with as far north as Sutherland. Lead, copper, and nickel are found in considerable quantities, and silver is extracted from the lead mines of Lanarkshire. Gold, too, has been got in several parts of the country, though hardly in sufficient quantity to pay the cost of seeking. Probably in early times it was more common. In Sutherlandshire, a few years ago, many persons employed themselves several months searching for gold ; and, though small quantities were got, it did not prove a remunerative occupation.

Within the limit of the latest geological formation and its closing epoch, the flora and fauna of the country require a brief notice. The character of the vegetation varied in different localities, and according to altitude on the mountains. Heaths, and here and there a straggling alpine plant, graced the higher brow of the mountain ; lower down, on their ribs, waving ferns and other wild growths shoot up ; around their base, and some 1500 feet upward on their sides, trees of pine and oak spread out their trunks and branches. The oak also abounded on the low grounds, and other indigenous trees, such as the birch, hazel, alder, willow, and juniper, all lived and grew wonderfully. In the boggy valleys and glens, marsh plants, sea growths, and other wild flowers sprang up. In the more level and dry grounds of the country, natural grasses and wood, wherever the conditions were favourable, covered the scene.

How many of the fruit-bearing trees and bushes are indigenous I am unable to tell. That there was wild fruit of various sorts, cannot be doubted. Some varieties of the rosaceous plants, and even cereals appear, at least, as early as man.

Passing to the fauna of the country: Vast multitudes of trout, great and small, young and old, swarmed in the streams, rivers, and lakes, sleek and agile in their element, and frisking in their glory. Immense shoals of fish of many kinds, then as now, inhabited the sea, the bays, and firths of the encircling ocean. This was a source of food always within easy reach of man.

Touching the feathered tribes, butterflies and bees lived in multitudes. Small birds of the forest and heath and hill, different kinds of game, wild ducks, freshwater and sea fowls were plentiful. Rapacious birds of the hawk and owl tribe, and the golden eagle were once common in Scotland. As a whole, the British Islands are very rich in birds; there are nearly 300 species known, and a few of them nowhere else found. The small singing birds of the country are well known, and need not to be enumerated. In spring and summer they enliven the garden, the wood, the valley, and the mountain.

Among the higher indigenous animals, there were one or two species of the ox, from which the native cattle were probably derived. The goat, the sheep, the red deer, and the roebuck were common. Touching the horse and the dog, it appears they were early domesticated in Scotland. The dog enters into the myths and lore of the Celtic race. The hare, the fox, wild cats, weasels and fumerts, and other wild animals which have long been extinct in Scotland, as the wild boar, the beaver, and the wolf. The wolf held out for many centuries, and Acts of Parliament were passed in the 15th century commanding the people to assemble at certain seasons every year to hunt and destroy them. From this we may gather some idea of the work that man had to face in prehistoric times. It is scarcely necessary to say that the notice of the flora and fauna is incomplete; it is simply intended to meet the aim of this history, not to satisfy the demands of science and the exhaustive description of the naturalist.

Though the main outline of the country was the same as

now, it would be a great mistake to suppose that its surface was anything like what it is at present. More of the country was covered with forests, which swept across the landscape ; while, in other parts, bleak mosses and moors, innumerable lakes, marshes, and bogs, dense and stagnant on the low grounds, but less so in the high, where streamlets and rivers descended through gloomy glen and dim woodland, into the encircling ocean. Over all, the moisture of the atmosphere was probably greater ; thick clouds of mist often enveloped the land and water, and withal a severer climate prevailed.¹¹ The reigning silence was only broken by the howl and snort of the wild beasts that roamed throughout. Such was the country when Man first planted his foot on the soil of Scotland, and found himself surrounded with the conditions and the natural resources of the home which we have just briefly described. How far he has turned them to account this history should show.

Though we cannot fix the date of man's arrival on the island, or whether he came to it by sea or land, since he might have come before Britain was separated from the Continent by the English Channel ; yet we may safely assume, from the archaic specimens of his handiwork which have escaped the wrecks of time, that he was here many centuries ere the Roman eagles were borne to the Tay.

Before concluding this sketch, something requires to be said on the influence of climate, soil, and food. I do not at all profess to exhaust the subject ; indeed the reflections here embodied are limited to the probable effect of these agencies on the early inhabitants, and the organisation of society. According to the general statement in the first section, it is

¹¹ The principal authorities consulted in drawing up the preceding paragraphs, besides my own observation, are the following :—A. Geikie's *Scenery of Scotland in connection with its Geology*. 1865. H. Miller's *Testimony of the Rocks*. J. Geikie's *Great Ice Age*. 1874. W. Hugh's *Manual of Geography*. 1863. Ramsay's *Physical Geology and Geography of Great Britain*. And Skene's *Introduction to Celtic Scotland*, Vol. I. 1876.

always and everywhere extremely difficult to distinguish in the early stages of society, what is due to external agencies on the one side, from what is due on the other to the internal and inherent energy of man himself. Fully aware, therefore, of the difficulties of the subject, and little disposed to attribute undue importance to physical influences, nevertheless their correlative potency on the destiny of the human race is unquestionable.

At once discarding the visions of fancy, and endeavouring to grapple real existence and the living world, we behold man naked upon the earth, amid the forces of nature, and on every hand ferocious and venomous creatures to contend with ; while he has everything to learn, how to protect himself, and struggle and fight for his very life. In short, we must see the importance of the surrounding elements and circumstances. Here man has to shield himself from the biting cold and frost, there from the scorching and burning sun ; everywhere he finds himself face to face with numerous forces which may hurt or destroy him. Kindly nature is a figure of speech which it was long ere man learned to pronounce or understand. It is easy for us, with the accumulated results of so many ages at our command, to make light of the forces of nature ; but to the race, in the early stage of their career, they presented a very different aspect.

Looking, then, to the climate and soil of Scotland, the difficulty of obtaining food would be the first thing to affect the early inhabitants. The limited quantity of vegetable roots or cereals which the soil spontaneously yielded, must have rendered a supply of food from this source exceedingly precarious. Prior to cultivation, in a country so barren, the early inhabitants could not have subsisted on vegetable food. The only remaining sources of food in sufficient abundance was the wild animals, birds, and the fish swarming in the waters. But it required much exertion and some ingenuity on man's part to procure a supply of this description. Owing, however, to the coldness of the climate, and his imperfect means of sheltering

himself, animal food was most suitable to his circumstances, as it is best fitted to keep up the warmth of the body.

The results of this on the spirit and habits of the people are obvious. The exertion and risk incurred in slaying and getting hold of wild animals would naturally encourage habits of daring, determination, and skill. Even catching fish in the most primitive way demands a persistent effort.

Without entering into needless details, we may easily comprehend how the circumstances in which man found himself placed, in this part of the globe, were well calculated to develop a fund of energy, a spirit of independence, a frame and constitution capable of great and heroic endurance.

Indeed the natural structure of the country was very favourable to lawless freedom. Perhaps there is no country in the world less adapted to the requirements of a central despotism than Scotland. The obstacles interposed by nature rendered all regular communication between its different parts almost impossible for ages.

The results of these structural peculiarities have been enormous. They will again and again force themselves on our notice. Here we are mainly concerned with their early effects. Their outcome was exhibited in the form of a numerous class of little local despots planted throughout Scotland, sometimes called chiefs, at other times nobles, knights, and so on. This class long possessed the supreme power in Scotland, though not always its nominal holders ; and they offered a determined and prolonged resistance to the formation of a central authority.

As indicated in the opening section, the senses and imagination in the early stages of human progress are far more active than the reasoning faculty. A moment's reflection shows it could hardly be otherwise. As their senses were unaided and unguided by the appliances and expedients familiar to man in more advanced states, they naturally run riot.

The general features of a country may be viewed in relation both to the imagination and the understanding. Touching the

first, the appearance presented to the eye and the senses chiefly acts through the imagination, and this is supposed to have excited many of the superstitions which have afflicted mankind. Roundly, it may be said, that whatever is calculated to inspire feelings of fear, terror, or bewilderment, and whatever raises in the mind an idea of the uncontrollable and unfathomable, has a tendency to inflame the uncultured imagination. When men look around them and contrast their power with the forces of nature, they are apt to become painfully conscious of their own insignificance. Of course, where nature is exhibited on a grand and imposing scale, the impression would be most effective and abiding.

But the mountains, rivers, and lakes of Scotland, though numerous, cannot be regarded, when compared with those of other countries, as being on a grand scale. We can hardly look upon them as presenting an unsurmountableness calculated to overawe the minds of the people. The rocks and torrents, the storms and mists, have all been considered as suggesting and strengthening the superstitions of the Scots.¹² On the whole, however, it seems to me that the influence of these agencies on the peculiar characteristics of Scotch superstition have been greatly overdrawn. There are many other ways in which their superstitions might have arisen, even supposing the Scots had any superstitions essentially peculiar to themselves, which may be fairly questioned.

In relation to the understanding, on the other hand, the influence of the mountains, the rivers, and the lakes, on the mind, the spirit, and the life of the inhabitants, is unmistakably manifested. This will appear on all sides as we proceed with their history. The mountain was selected as the appropriate site of a stronghold, and the loch utilised for a similar purpose. We find the river banks, the side of an estuary, and the vicinity of the seashore, all chosen with remarkable sagacity as the

¹² Dr. Burton's *Criminal Trials in Scot.*, Vol. I., pp. 240-243. Buckle's *History of Civilisation*, Vol. II., p. 181.

fittest abodes of man. Here we can trace with something like precision the correlative action of nature on the understanding of man ; here we see him picking out the spots best suited for his purposes, and exerting that faculty which has enabled the human race to obtain an undisputed supremacy upon the earth.

Section III.

PREHISTORIC AGES.

The remaining part of this introduction will consist partly of discussion and narrative ; the indistinctness of the subject scarcely admits of any other mode of treatment. An attempt is made to indicate the state of the inhabitants in the earliest times. Though the traces and relics they have left are not always reliable or available for eliciting information, nevertheless their remains, when well sifted, yield unmistakable results. It is true, the date of the works and objects of these times in Scotland cannot be fixed ; but a natural sequence may be observed, and several steps of early civilisation exhibited.

The first requisite here is to clear the air of shadows as much as possible, that we may know what it is we are seeking ; whether there is any chance of finding it at all. If the being or thing we are searching for never existed, we certainly will not find it ; even should we succeed in deluding ourselves into the notion that we had got hold of it. When a person is over-anxious to find marks of a special thing, he quickly convinces himself that he has discovered it ; and might storm if reminded that his proof could not bear his conclusion, or that he had been dealing in baseless conjectures, and indulging his feeling and fancy at the expense of reasoning and truth.¹³ This

¹³ " In painting and sculpture, in furniture and armour, there has always been a manufacture going on of modern antiques, which it requires great skill to detect ; and in the department of discovery, antiquaries have been too often ready dupes or self-deceivers. . . . And it is only a few years since certain learned antiquaries on the Rhine were led by some workmen to believe that a reversed rim of a bucket placed upon a skull exhibited the remains of a Frankish King, wearing the iron crown of the Lower Empire " (*Proceedings of the Society of Antiquaries of Scotland*, Vol. III., p. 154—An Address by Lord Neaves).

applies to a theory regarding an extremely savage or aboriginal race, said to have inhabited the British Islands at some extraordinary remote period. They are supposed to have preceded the Celtic race, many hundreds or thousands of years, for there is nothing definitely known about them. As the rude class of stone implements this misty people are supposed to have used, have not been found in Scotland,¹⁴ the historian may leave them altogether to the geologist. Even if more clearly made out that such a race lived in Britain, it would be of little value to the historian.

But it has been attempted to establish the existence of different races inhabiting Scotland in pre-historic times, from the configuration of their supposed skulls, which are found in the barrows and tumuli.¹⁵ To show the inherent difficulties

¹⁴ J. Geikie. *The Great Ice Age*. Pp. 347, 483.

¹⁵ Dr. D. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 120, 350, and chapter 9th throughout. Similar attempts were made to establish a difference of race from the crana and bones of the early barrows across the border. Dr. Thumam, in a paper published in the third volume of the *Anthropological Memoirs*, 1870, entitled, "Further Researches and Observations on the two principal forms of Ancient British Skulls," discusses at great length the crana of the two supposed races. Little, however, can be drawn from it. I here summarise some of the more interesting points.

The chief result is that the long-heads are the earliest people whose sepulchral monuments remain. The contents of the long barrows show that they buried their dead entire, and almost always without cremation. This long-headed race possessed herds of small cattle, the short-horned ox; and they subsisted largely on the chase of the red deer and the wild boar. Some of their customs were extremely barbarous. If not addicted to cannibalism, they, without doubt, sacrificed many human victims, whose cleft skulls and half-charred bones are found in their tombs (p. 76).

The round-headed race, who buried their dead in the round barrows, were more civilised than the long-heads. Burning of the dead was among them the prevailing, though not exclusive, mode of burial. They had advanced from the nomad and hunting condition to a more settled agricultural stage of culture, but they had not yet abandoned human sacrifice (*Ibid.*, p. 76).

I deem all these inferences as based on slight and insufficient evidence. It could naturally and easily be shown that cleft skulls, half-charred bones, broken and gnawed bones, found in barrows and caves, cannot prove either the prevalence of the custom of human sacrifice, nor the custom of cannibalism. The assumption so often adopted, because, in our time, some savage tribes eat each other,

of reaching a reliable conclusion through this means, will not require many sentences. An element of uncertainty and entanglement at once arises from the diverse modes of disposing of the dead. It is not known whether inhumation or cremation is the earliest. Indeed it seems both modes were contemporaneously practiced in Scotland and England.¹⁶ Another hiatus occurs from the absence of any definite knowledge as to how long the human skeleton can resist decay? All we know is that the preservation of a skull greatly depends on the circumstances around it. Many of the human remains found in ancient graves, and in recent ones also, crumble into fine dust the instant they are exposed to air and light.¹⁷

It need not surprise us to be told that the true form of the Celtic skull is still a matter of dispute.¹⁸ It could hardly be otherwise, when it is always becoming more clear that rather many cranial distinctions have been adopted. I venture to

therefore the custom must once prevailed universally among mankind, is utterly untenable.

Another example of the sort of evidence presented to establish difference of race. It is assumed that the long-headed people were shorter in stature than the round-headed, and the following sentence contains the proof of the assumption :— “The mean height, as calculated from the measurement of 52 male skeletons or femora, was about 5 feet 6 inches in the one, and 5 feet 9 inches in the other ; an average difference of 3 inches ” (*Ibid.*, pp. 78, 79). Surely 52 or 25 of each was far too small a number to draw a conclusion from, even supposing they had all been complete. But when we know that there was only the detached femora or limbs, and the bones, to compute the measurement from, it is at once seen how worthless the whole thing is. It is sad to see men professing to follow scientific method, giving forth such moonshine as profound truth. At this moment, scores or hundreds of individuals of the same family could be found, with a difference of 3 inches of height among them. I am one of 7 brothers, and there is a difference of 3 inches among us. Must we, then, conclude that the tall are a different race from the short ?

¹⁶ Wilson's *Prehistoric Annals of Scot.*, Vol. I., pp. 72-75. Sir J. Lubbock's *Prehistoric Times*, pp. 100-103. *Proceedings of the Society of Antiquaries of Scotland*, Vol. X., pp. 246-249.

¹⁷ *Proceedings of the Society of Antiquaries of Scotland*, Vol. II, pp. 75, 76 ; Vol. VI., p. 108. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 240, 245, 99, 100.

¹⁸ Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 236, 298, 284.

affirm that no striking and peculiar shape of head can be assigned to the Celtic race; a typical form of their cranium never existed but in fancy.

But the proper way to test the assumption that true inferences can be drawn regarding the intelligence and civilisation of races, who lived many thousand years ago, from an examination of their chance skulls and fragments, is to press the question thus:—How much distinct information can science render from the measurement of the crania of the living races of civilised and savage men? Take an instance. Give an adept in anatomical science two skulls with all the soft and osseous matter removed, assuming that the examiner knew nothing of the men whose heads he was called upon to pronounce; then would his opinion embody a correct view of the intelligence exhibited by the men throughout their lives. I assert without hesitation, that no reliable conclusion could be reached in the way supposed. To push it a step further, take the skull of a savage and one of a civilised man, place them in the hands of an anatomist, the same as before, and ask him to decide on their respective intelligence. Indeed, it is likely he would fail to distinguish the skull of the savage from that of the philosopher.¹⁹ The reason of this is plain, the intelligence of an individual cannot be discovered by the mere measurement of his skull either from the inside or the outside, simply, because it is as much a product of energy and quality, as of capacity. The constitutional energy, the exercise, and prolonged concentration which any one may practice, completely confounds

¹⁹ "It is remarkable, as regards these ancient British skulls, both the long and broad, though the relation of the breadth and height index corresponds very much with that in certain modern peoples, yet the actual measurements are so much in favour of these early inhabitants of Britain. The cranial capacity, and consequently the brain weight, of both peoples has been very decidedly high" (*Anthropological Memoirs*, Vol. III., p. 64. 1870). Another writer says:—"As regards the absolute dimensions of the skulls, it would seem the Welsh crania stand high in the scale—quite as high as any of the existing races of mankind." This refers to the skulls of the prehistoric caves and the long barrows. (W. B. Dawkin's *Cave Hunting*, pp. 178, 179).

all conclusions drawn from the measurement of the skull. If our knowledge of the powers of the crania of the living be so indistinct and unreliable, how fanciful is it to think we can extract information on the state of civilisation in remote ages, from the wrecks and fragments of the bones of our early ancestors.

Although the cranial evidence cannot be admitted as establishing the existence of different savage races inhabiting the country ages before the arrival of the Celts, I do not hold that there was no such races. It is likely the country was inhabited by earlier tribes than those known to us as the Celtic;²⁰ but any attempt to distinguish the prehistoric relics of the one from the other, so far as Scotland is concerned, I regard as hopeless, and only leading to confusion and deception. All the tribes or

²⁰ "But the long-headed race was undoubtedly invaded during the stone age; and it is possible that the Celtic race were in possession of portions of Britain, Ireland, and Gaul at that remote time. The successive invasions of Europe have been always from the east to the west, so far as we have any knowledge" (W. B. Dawkin's *Cave Hunting*, p. 229. 1874). "On this hypothesis, this great pre-Aryan migration would start from the central plateau of Asia, from which all the successive invaders of Europe have swarmed off" (*Ibid.*, p. 228). "The Celtic race occupied Britain in the ages of polished stone, bronze, and iron, encroaching on the non-Aryan peoples according to their strength, and the weight of pressure on their rear. The Belga probably were not known in Gaul until late in the iron age, and were of little importance compared with the Celts" (*Ibid.*, pp. 229, 230).

"The Basque race was probably in possession of Europe for a long series of years, before hordes either identical or cognate with the Celts gradually crept westward over Germany into Gaul, Spain, and Britain, driving away, or absorbing, the inhabitants of the regions which they conquered" (*Ibid.*, p. 231).

Touching the idea so generally embraced, that the early invasions of Europe have always been from the east to the west, I confess I cannot see the necessity for this assumption. Its wide prevalence is probably largely due to long fixed habits of thought. Why should the central region of Asia be deemed the cradle of the human race? This does not relieve the problem of any of its difficulties. It is just as easy to conceive man originating in one place as in another; in the heart of Africa, America, or Europe as in Asia, especially as the race had spread over all these quarters of the earth long before we have any records. What can all our science tell us about the spot where man first came into existence? Imaginary theories are swiftly formed on a point of which nothing is known. Perhaps it is prudent to place the scene of the grand exploit a far way off. There is little or no philosophic ground for this eastern origin of the race, and it is vain to cover our ignorance in the garb of knowledge.

races, if they have left traces of themselves, will find their place somewhere in the following pages. Only a short account of the objects belonging to the early stages of our history can be given here; but an effort will be made to select the most important and interesting.

In all likelihood the natural cave was among the first retreats of savage man, and he had often to contest its possession with the wild beasts around him. There are many caves in Scotland bearing artificial marks of human inhabitation, but they belong to various ages, and may have been used as hiding-places or temporary dwellings recently. Living in caves is not yet altogether unknown in Scotland. In 1866, a cave at the south side of the Bay of Wick was occupied by 24 inmates, consisting of four families. They were of the class called tinkers, that is, workers in tin.²¹

Owing to this, there is much risk of error in hastily assigning special periods to the occupancy of the caves. During the early ages of Christianity it was not uncommon to live among the caves in Scotland. Several of the early Scottish saints are said to have occasionally resorted to caves, as St. Kieran to one near Cambelton, and St. Ninian to one near Glaserton. Some of the Fife caves are also associated with the traditions of the church.²²

The Burness Cave, on the sea coast of the parish of Borgue, Kirkcudbrightshire, lying about two and a half miles

²¹ Chambers's *Caledonia*, Vol. I., p. 97. Rhind Lectures on Archaeology, delivered by Dr. Mitchell in Edinburgh, 1876.

²² *Sculptured Stones of Scotland*, Vol. II., pp. 87-88. App. to the Pref. A good deal of information about the caves will be found in this volume. From it the following is extracted:—"There is reason to believe that some of these caves were places of human abode at an earlier period than that of the sculptures. In one of those at Wemyss (the Gaswork Cave), a mass of *debris* like a kitchen midden appeared, containing bones of the sheep, ox, hare, pig, deer, and bones of birds. Many of the bones had been split up in extracting the marrow, and some of them were sharpened at one end. There were shells of the limpet and the whelk, and several circular discs of stones with holes through the centre, like those so frequently found about early graves and forts" (*Ibid.*, p. 87; note).

"In a cave on the opposite coast of the Firth of Forth, at Seacliff, near

west of the river Dee, was explored in 1872 under the direction of experienced antiquaries. In the portion of the cave examined, which extended to the depth of three feet, many bones of the ox, sheep, pig, red deer, rabbit, otter, fox, black rat, field mouse, and others were found. Bones of birds, fish, and shells were also got. In all, there was 2584 specimens, 1002 fragments, besides a number of smaller fragments of bones. The bones of the ox were most plentifully represented, next those of the sheep and pig. Among the bones of birds, those of the common buffard—a species of hawk—the magpie, pigeon, starling, and the domestic fowl²³ were brought to light.

Among the *debris* removed from the cave, masses of burnt wood occurred, and other evidence of fire. Grain in a carbonised state, supposed to be wheat, was also discovered.

There were 123 implements and other objects of human art disinterred from this remarkable cave. And of this, ninety were of bone, ten of stone, seven of bronze, twelve of iron, and four of glass. The articles of bone comprise needles, pins, pegs, awls, combs, spoon shaped implements, handles, and several non-descript things. There were four specimens of needles, varying in size and finish, four well made awls, and five or six spoon-

North Berwick, similar remains were discovered. . . . It is said that human bones were also found, and it is certain that there were portions of urns or jars.

“Near to this cave, on a rock almost insulated at high water, similar remains have recently been found. The kitchen midden here occurred within a surrounding wall which had given protection to the early settlers. It contained immense quantities of bones of the ox, pig, goat, deer, shells of limpets, horns of the red deer, bone pins, bone needles, a bone comb, querns, horns, and fragments of pottery. The bones had been split up for the extraction of the marrow, and some of them were sharpened at one end. Teeth of the ox appeared, and the arm-bone of a man. Many small pebbles were found which had been in the fire, and were always very brittle. At a little distance inland from the cave, several spots were discovered having similar remains. These appear to have been the floors of huts, as double pavements were found, one above the other, and between the two a stratum of bones, charcoal, and ashes, mixed with the sand, and shells of the periwinkle” (*Ibid.*, p. 87).

²³ It appears the domestic fowl was known in Britain at the time of the Roman occupation (*Dawkin's Cave Hunting*, p. 77-79).

like implements. The stone and bronze objects present nothing very noticeable, the glass appears to be portions of rings.²⁴ The number and variety of the remains of this cave certainly point to its long occupation at some period or other, though for the reasons already stated, and others that will soon come before us, I cannot venture a conjecture concerning the date of its inhabitation.

Traces of early dwellings in the form of pits or huts are found in many parts of Scotland. They are still discernible in Aberdeenshire, the counties of Banff, Sutherland, Ross, Inverness, Caithness, Argyle, and other districts uninvaded by the plough. The rudest of them are merely shallow excavations in the ground, usually of a circular shape, and seldom exceeding seven or eight feet in diameter, and they are generally found in groups.²⁵

Many circular huts of larger dimensions are met with in the localities just mentioned, connected with circumstances which it is often difficult to learn the import. Small collections of tumuli almost invariably accompany the hut circles. These numerous little mounds are probably the graves of the inhabitants who occupied the huts. The common structure of the hut circles consists of two concentric rings of large stones, separated by a space of six or eight inches, which is filled with smaller stones and earth, the whole forming a wall about eighteen inches high. Generally they are from twenty to thirty feet in diameter, but some of the larger ones are thirty-eight feet. The lapse indicating the doorway is mostly always turned away from the point of the compass from which the most severe winds come, thus showing a direct intention to protect the inside of the dwelling. They are very numerous among the hills and glens of Sutherlandshire.²⁶

²⁴ *Proceedings of the Society of Antiquaries of Scotland*, Vol. X., pp. 479-507. The objects of human workmanship are all figured in this paper; it contains a great mass of information, well arranged. The 11th volume of the *Proceedings* gives some more details.

²⁵ Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 103, 104.

²⁶ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 291, 297, 300, 527, 531; Vol. VIII., p. 410; Vol. IX., pp. 158, 159.

Though the foundations of the huts of the early inhabitants are often discovered on the brow and summit of the hills, they frequently occur in the lower ground and near the shore. The reason for the situation of these habitations are naturally found in the condition of the country. The high ground was safest from wild beasts or the attacks of another tribe, and less exposed to the devastating sweep from a heavy fall of rain or a sudden thaw, than the low grounds and valleys. But these advantages were partly counterbalanced by the difficulty of readily obtaining food ; hence probably the selection of spots near the sea, the banks of lakes and rivers, as places of early occupation.

The traces of hut dwellings on the sea beach, and the banks of lochs are connected with other remains. Besides the grave mounds, shell mounds, and what is called kitchen middens are found in close proximity to the huts. On the links between the Meikle and Little Ferries, Sutherlandshire, the three classes of remains exist together ; similar remains occur in Elginshire and other places. It is supposed that the shell heaps indicate the seats of the early inhabitants ; and that shell fish or eatable mussel constituted a main part of their food. A few flint and other stone implements, and bones of animals have been got in these accumulations.²⁷

When a collection of these huts are enclosed by an earthen or stone rampart, accompanied with oblong field enclosures, it possibly may mark the dawn of pastoral life, if we suppose the outside folds to have been for holding cattle and sheep. From such imperfect vestiges must we attempt to catch a glimpse of the slowly advancing efforts of our early ancestors.

Another class of early structures called eirde houses are found in many parts of the country to the north of the Forth, but rarely in the southern region of the kingdom. These underground houses have been discovered in the Orkney and

²⁷ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VIII., pp. 63-64, 177-178 ; Vol. IX., pp. 250-260, 452-454, 45-52 ; Vol. VI., pp. 423-426.

Western Islands, Sutherlandshire, Fifeshire, Perthshire, and other places. At Kildrummy; Aberdeenshire, a group occurs amounting to about fifty. They vary much in size, but the general character of the whole is pretty similar.²⁸

At Kildrummy there is no indication of them on the surface of the ground, except where an unploughed spot in the field, and a few stones peep out of the earth; while on others the soil lets the plough pass over their top, and only a small hole between two projecting stones marks its entrance. Through this a man may with some difficulty enter, then descending a sloping tunnel of six or eight feet, he finds himself in a subterraneous chamber where he may have room to stand upright, as their height is from five to eight feet. They differ much in length and breadth, some of them are thirty, forty, and eighty feet long, and generally from five feet to nine at the widest part. Some of them have smaller chambers as offshoots from the main one to the right and left. They have sometimes, however, been found only three feet at the broadest part, and under four feet in height, more like a drain than anything else. The eirde houses of Aberdeenshire are built of rough blocks of granite, many of them more than six feet long; but there is no mark of hewing or cement. Some of them are paved, and the floors of others are on rock. The peculiar style of the building consists in this—the walls are built with a slope inward, so the space between them lessens as they approach the top, the stones overlap each other in succession, until a single stone extending from side to side completes the vault.²⁹

Antiquaries disagree regarding the purpose of these underground structures. They have been supposed to be places of concealment, store houses, and granaries; but it is hard to tell

²⁸ Chambers's *Caledonia*, Vol. I., p. 97. *Proceedings of the Society of Antiquaries of Scotland*, Vol. III., pp. 465-471; Vol. IV., pp. 492-499; Vol. VIII., p. 24.

²⁹ *Ibid.*, Vol. I., pp. 261-263; Vol. VI., pp. 249, 250; Vol. VII., pp. 276, 532-534; Vol. X., p. 287. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 108, 109.

what their original purpose was. One leading idea seems to pervade the whole of them, that is, to secure an unobserved entrance, and a curved form.³⁰ The vast labour implied in the construction of them, is palpable evidence that their builders had a strong motive and a definite purpose, though we cannot exactly fathom it. The incidental articles got in them are not numerous, frequently they have been found empty. Cinders and charred wood, the bones of the ox, deer, and other animals, shells, and remains of fish, a few objects of flint, bone, and bronze have been taken out of them; and in several, querns or hand-mills have been discovered. When all are compared, it throws little light on the purpose of their construction. In one or two there are apertures which seem to have been used as chimneys; but generally there is no opening in the roofs or walls for the smoke to escape or the light to enter. The discovery of hut foundations on the surface in connection with some of them, points to their use as places of occasional retreat in times of emergency. The drift of recent inquiries leads to the conclusion, that the eirde houses were places of human abode.³¹ I, however, am firmly of opinion, that they were chiefly used as places of concealment, and merely temporarily occupied.

A few concentric circles and cup markings were observed on some of the stones of the eirde houses, which seems to show that the stones must have been marked before they were put into the wall. One stone in the foundation of an eirde house in Forfarshire, with markings on both sides, proves that they were made before the house was built. It is a sandstone block, three feet nine inches long, three broad, and one foot thick.³²

In the south of Scotland, another kind of structures are found somewhat resembling the eirde houses in their ground plan, and in the enormous labour they have cost. But

³⁰ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VIII., p. 23.

³¹ *Ibid.*, Vol. IV., pp. 436-440; Vol. VII., pp. 187-189; Vol. VIII., pp. 24, 26. Leslie's *Early Races of Scotland*, Vol. II., pp. 352, 353.

³² *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI., App., pp. 39-42; Vol. X., p. 287.

in other respects they are the converse of each other. As noticed above, the underground houses are often built of the hardest stones, without any hewing; these are cut into the soft sandstone rock. The construction of the branching-off galleries are much alike in both. There are examples of the cut rock works at Hawthornden, others among the rocky cliffs overhanging the river Esk, and on the steep sandstone rocks of the river Jed, in the vicinity of Jedburgh. In the glen of the river Ale, groups of caves occur, all more or less bearing marks of adaptation as human dwellings. And in other places, traces may be seen of temporary or long continued habitation of these recesses, at some remote but unfixed period.³³

Circles and rude sculpturing of figures have been noticed on the walls of these caves.³⁴ Probably, this markings belong to a later age than the one we are now considering. The point, however, is well worth careful examination, as it is associated with the early indication of art and human tendency. We already know that circles and other figures can be cut on a rough stone without any metallic tools; even the hard granite can be cut with a piece of flint and a wooden mallet.³⁵ Many concurrent and diversified vestiges point to the conclusion, that artistic attempts are almost coeval with the first conscious efforts of man.

According to my view of the natural progress of the early inhabitants, something should be told about their weapons and

³³ Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 125-127. Burton's *History of Scotland*, Vol. I., pp. 110, 111. *Proceedings of the Society of Antiquaries of Scotland*, Vol. VIII., pp. 184, 185.

³⁴ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI., App., pp. 110, 135-140. "Among the cave sculptures at Wemyss there is a figure of a man of diminutive form, and Dr. Stuart has traced among them faded outlines of a human figure, apparently tailed, as if it formed one of the provokingly missing links which some enthusiastic ethnologists are so anxiously and vainly searching after." Professor Simpson adds in a note—"Since these notices were published I have, in revisiting the caves, seen this figure, which is about 2 feet in height; but neither Mr. Drummond nor I could make out any appearance of a tail appendage" (*Ibid.*, pp. 137, 138).

³⁵ *Ibid.*, Appendix, Vol. VI., pp. 122, 123.

implements, before proceeding to discuss the hill forts, enclosed camps, and other objects which are of later origin. And here it is necessary to clear up our ideas on the stone, the bronze, and iron ages.

All the relics and monuments of man belonging to pre-historic times have been arranged under three groups—the earliest group comprising the implements, weapons, and ornaments of stone, bone, and horn; the second consisting of bronze articles; the third embracing all weapons, tools, and objects of iron. It is implied, within limits, that these groups represent different stages in the development of the material arts and the mechanical skill and intelligence of the human race. The stone age represents the lowest degree of culture, as man was then ignorant of the use of metals. After this comes a long period when copper and bronze were extensively used for arms and implements; stones, however, continued to be applied to various purposes, for cutting, arrow heads, and mallets. The race are supposed to have made great progress during this period. Finally, the iron age was ushered in, and with it we emerge into the light of recorded history.³⁶

After metals were introduced, the manufacturing of stone tools and weapons did not cease; stone long after continued to be used, and no hard and fast line can be drawn. In the 15th and 16th centuries, stones were used for cannon balls in Scotland.³⁷ In outlying corners like the Western and the Orkney Islands the stone age is hardly yet closed. Indeed, it may be questioned if there ever was a bronze age in these regions.³⁸

Though the theory of the ages of stone, bronze, and iron is not above criticism, it certainly has a practical utility and a look of completeness. This classification has not been shown

³⁶ S. Nilsson's *Primitive Inhabitants of Scandinavia*. Edited by Sir J. Lubbock. Introduction, pp. 23-38. 1868.

³⁷ Wilson's *Prehistoric Annals*, Vol. I., p. 194.

³⁸ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 131-134, 216-217, 429.

to be applicable to all the inhabitants of the globe, and I do not think it will ever yield the results which its votaries hold it adequate to fulfil. While the theory is not applicable in its details to the history of every civilisation, that does not prevent it from applying to some peoples and countries. There is almost universal evidence of a stone age ; but there is often no satisfactory evidence of a passing from the stone through the bronze into the iron age. It is quite possible, even likely, that some peoples may have passed from the stone age direct into the iron age, without troubling themselves about a bronze age.³⁹ We must remember that the old is often prolonged into the new, and through the whole compass of feeling and thought, survival is a characteristic trait of human nature.

In connection with the theory of ages, it is often forgotten that Man is Man, that is to say, he has been human from the beginning throughout, as fully in possession of his natural faculties as now, though more limited and controlled by the elements and circumstances around him, owing to his imperfect means. I will endeavour to explain the bearing of this on human progress.

In Northern and Western Europe, it has been shown that mechanical skill and the material arts have been developed from an extremely rude starting-point. Much also may be inferred, touching the intelligence and culture of man, long before written history begins, from the monuments and vestiges which he has left. But certainly caution is necessary, owing to many conflicting and disturbing influences, the force of which it is often impossible to gauge. It has been said that "the primitive Caledonian was, in fact, an untutored savage".⁴⁰ The evidence, however, on which this is based, hardly comes up to

³⁹ Tylor's *Primitive Culture*, Vol. I., pp. 54, 55. *Rhind Lectures on Archaeology*. Lecture 5th. 1876.

⁴⁰ Wilson's *Prehistoric Annals*, Vol. I., p. 300. The following refers to another mode of looking at the past. "But other minds, following a different ideal tract from the present to the past, have seen in far different shape the early stages of human life. Those men whose eyes are always turned to look back on

my standard, and therefore I could not declare his state so explicitly.

When we begin to draw conclusions about the social state of a prehistoric people, from the relics and fragments of their works, it should be emphatically announced that comparatively little can be ascertained. Very decided views have been put forth on these matters, but they will hardly bear examination. Something may be learned in a general sense, and as yet nothing has been distinctly established, except that the race was in a comparatively low state of culture.

It is still more difficult to reach reliable evidence of the religious ideas of man in prehistoric times. It is true, a method has been employed for educing information, and expounding the early religions of mankind as a phase of development. When we come to apply it to find what the religion of a separate community was, or what the religion of the inhabitants of Scotland was, prior to the introduction of Christianity, the difficulty and complexity of the subject at once reappears; and if we had not the vestiges which have survived in the customs of the people down to recent times, we would be almost in the dark about the religion of our early ancestors.

the wisdom of the ancients, those who by a common confusion of thought ascribe to men of old the wisdom of old men, those who hold fast to some once honoured scheme of life which new schemes are superseding before their eyes, are apt to carry back their thought of present degradation into fargone ages, till they reach a period of primeval glory. The Parsee looks to the happy rule of King Zima, when men and cattle were immortal, when water and trees never dried up and food was inexhaustible, when there was no cold nor heat, nor envy nor old age. The Bhuddist looks back to the age of glorious soaring beings who had no sin, no sex, no want of food, till the unhappy hour when, tasting a delicious scum that floated on the surface of the earth, they fell into evil, and in time became degraded to eat rice, to bear children, to build houses, to divide property, and to establish caste. In after generations, record preserves details of the continued course of degradation. It was King Chetiza who told the first lie, and the citizens who heard it, not knowing what it was, asked if it was white, black, or blue. Men's lives grow shorter and shorter, and it was King Mapa Sagard who, after a brief reign of 252,000 years, made the dismal discovery of the first gray hair" (E. B. Tylor's *Primitive Culture*, Vol. I., pp. 36, 37).

It is easy to see, that weapons and tools of some sort were a necessity of man's existence in a country like ours. With them he protected himself against his enemies the wild beasts ; and by their aid he often procured his food. Rude as the stone weapons and implements appear to us, they exhibit the rudiments of the ingenuity and latent mechanical skill which has at length changed the face of nature.

Many stone weapons and tools have been found in Scotland, and its adjacent Islands. They show considerable variety of form, and are made of different kinds of stone. Flint flakes just as when struck off the solid mass are often met, sometimes along with the flint core itself. These flakes are frequently discovered in the graves among the remains of the dead, and were apparently highly valued. Flakes of other stone, even sandstone, seems to have been used. Many freestone flakes and implements were found while excavating the ruins of ancient dwellings in Skara, Orkney, a few years ago. There great quantities of them were turned up, a few of which were polished ; and in Shetland many rude stone implements have recently been got.⁴¹

Celts and axes, commonly formed of flint, abound in Scotland. The stone celt seems to have been a weapon of war ; probably it was also used as a cutting instrument. They vary much in size, and it is supposed that they were often hafted. While some of them are roughly formed, others are neatly finished and polished to the utmost pitch.⁴²

The stone axe-hammers, hatchets, and hammers, are found of different forms and sizes, many of them apparently intended

⁴¹ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 121-136, 212-219 ; Vol. VIII., pp. 64-66 ; Vol. XI., pp. 172-174.

⁴² *Ibid.*, Vol. II., pp. 3, 5, 6 ; Vol. IV., pp. 52-54, 294, 395 ; Vol. VI., pp. 178, 179, 234, 396, 436 ; Vol. VII., pp. 77, 392 ; Vol. X., pp. 507-509, 595-600. The most common size of the celt is from 6 to 10 inches long, and from 1½ to 3 across the face. Two exceedingly large ones were noticed in the ninth volume of the *Proceedings of the Society of Antiquaries of Scotland*—one 15½ inches long, and the other 17 inches. Pp. 174, 184.

for cutting and striking both. But it is deceptive to introduce minute distinctions, because in early times a single implement may have been used in a variety of ways, and it is often impossible to tell whether an implement is more an axe than a hammer or a wedge. Some of them are double-edged, others wedge shaped, and both have the hole for the handle near the broad end ; again, others have the hole near enough the centre to admit of the free use of both ends. This class are made of various stones, gray granite, mica-schist, greenstone, and even sandstone. They have been turned up in all stages of roughness, onwards to the finest polishing and finishing. The hole for the handle was often pierced from both sides, and so the boring does not always meet exactly.⁴³ A large hatchet was got in digging the Caledonian Canal. It is of gray granite, well formed and polished, but the hole for the handle only partially bored on both sides. It is supposed the boring was done by turning round a small stone until the perforation was completed.⁴⁴

Knives of flint and other stones, are frequently discovered in Scotland and the islands. One kind of them are formed like a shoemaker's knife ; others are oval and irregular, and thinned off to an edge all round. Some are made of slate stone and green stone, flat and well finished.⁴⁵ Many knives and other stone implements were recently found in Caithness, Orkney, and Shetland, so rude that it is doubted if they were ever used.⁴⁶

A large class of flint and stone weapons and implements, included under the name of arrow heads and spear heads, have been turned up in Scotland. The arrow heads are found in all

⁴³ Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 192-194. *Proceedings of the Society of Antiquaries of Scotland*, Vol. IV., pp. 55, 379 ; Vol. V., pp. 214, 240 ; Vol. VI., pp. 42, 86, 310, 332 ; Vol. VII., pp. 101, 102, 499 ; Vol. VIII., pp. 264, 232 ; Vol. IX., pp. 155, 383 ; Vol. X., p. 460.

⁴⁴ *Ibid.*, Vol. X., p. 45. Wilson's *Prehistoric Annals*, Vol. I., p. 93.

⁴⁵ *Ibid.*, Vol. III., pp. 252, 439.

⁴⁶ *Ibid.*, Vol. VII., pp. 73, 74, 133-136, 213 ; Vol. VIII., pp. 64-66.

degrees of roughness and finish. The barbed ones are often finely polished and beautifully finished. Great numbers of them may be seen in the National Collection at Edinburgh, in provincial museums, and private collections.

It was already noticed that bone implements were used by the people who occupied the caves; horn, also, was used for similar purposes. A pretty large assortment of this class is preserved in the National Collection. Bone hammer heads, formed of a part of the leg bone of an ox, cut and polished, with a hole for the handle, have occasionally been discovered. Many bone and horn tools were used in early times, apparently for piercing and cutting. Some of them are very small, as awls, needles, pins, and chisel-shaped things. It may, however, be doubted if the bone and horn implements belong to pre-historic times.⁴⁷

Various circumstances concur to indicate that the transitional stage, from stone weapons and tools to metal ones, extended over a long period. We have seen the one did not at once supersede the other. Stone and bone continued to be used for weapons and implements long after bronze and iron became known. All the explanations of this hitherto offered, fail to render a natural and satisfactory interpretation. The subject is exceedingly involved, and can never be simplified by looking away from man himself, and assuming that there, here, the East, or somewhere else, the use of metals was first discovered, thence spread over the earth.⁴⁸ Such theories are

⁴⁷ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI., p. 420; Vol. VII., pp. 42, 50, 76, 77, 83, 84, 211, 212, 218, 219, 359, 399, 436-438, 459; Vol. VIII., pp. 262, 263, 290, 375, 376; Vol. X., pp. 7-20.

⁴⁸ The science of language is supposed to prove that the Aryan race sprang from a small primitive clan, who lived at some unknown period about the centre of Asia or the Punjaub. This clan, it is assumed, were acquainted with the most useful metals before they left their ancestral home, to separate and form the nationalities of India and Europe. That they had domesticated the cow, the horse, the sheep, and the dog; that they knew the arts of agriculture, ship-building, road-making, house-building, weaving, and sewing, before the original clan separated into branches (M. Müller's *Lectures on the Science of Language*,

easily manufactured, and certainly save much thought; but, unfortunately, they are built upon shadows flickering in an atmosphere of impenetrable gloom.

There is an elementary principle which runs throughout, manifesting itself in the lowest and the highest reaches of civilisation. It is this—from the dawn of conscious thought, onward through every stage of progress, the intellect of mankind has been more or less in advance of their means. At the present time, intellect is far in advance of the means of attainment. It is so, generally, in the physical sciences and the material arts; and when we turn to the moral and social sciences, it is clear that intellect is far ahead of the means of attainment. No philosopher can say that the defective laws and bad habits of civilised nations are not known to produce disastrous results. To do this would simply be to talk falsehood and nonsense—which, however, is often done.

Vol. I., pp. 272-274). He, however, holds that, though the Aryan clan knew about gold, silver, and copper, they had not discovered the use of iron before they dispersed from their ancestral home (*Ibid.*, Vol. II., pp. 253-259). See also Morley's *English Writers*, Vol. I., pp. 142, 272-274.

An able writer, Mr. Fairbairn, in his recent work, *Studies in the Philosophy of Religion and History*, candidly admits that the light concerning the primitive state of the Indo-Europeans is of the dim and shadowy sort. P. 272.

He however, concludes that the original tribe, that is, the Aryan clan, who lived in central and western Asia, had attained the rude beginnings of agriculture. They had a language rich in words and inflections. They lived in houses with doors, surrounded by a court; and the family institution was honoured. They had flocks of domestic animals and fowls. They made boats and used them. They could count as high as a hundred; they had a polity, a notion of law, and an idea of right (*Studies in the Philosophy of Religion and History*, pp. 272-275). The existence of this Aryan clan in central Asia at some unknown period in the fargone past, from which a multitude of languages, and various races, are said to be derived, I look upon as a mere myth and nothing more.

The mistake at the root of this theory lies in the standard of comparison which it adopts. A refined literary language, the Sanscrit, is taken as the basis of comparison. I would say, within limits and in connection with other circumstances, it is reasonable to work downward, and draw qualified inferences. But to pass beyond the period of this literary language, still making it the basis of comparison, working backward thousands of years, and inferring on points of art, religion, morality, and government, must be altogether illusory and illegitimate on any principle of science.

A few illustrations of what I call the principle of interpretation will show its compass and bearing. As soon as man ventured upon the sea, and was overtaken by a storm, he shortly discovered that if he could get in behind a natural breakwater, he would be comparatively safe from its fury. This was as clearly known in prehistoric times as it is now. Yet how long **was** it ere man could command the means and **the** combined action required to construct the rudest **sort** of harbour? How long, again, till he could **command** the means and the united action involved in the construction of a modern harbour? Once more, how long was it before he had the appliances and the concentrated power at his disposal, to build a break-water right out into the sea itself?

It cannot be denied that prehistoric man in Scotland knew when he placed a tree across a stream to enable him to pass, that it would be convenient for him if he could manage to cross all the rivers in this way. The idea of a bridge was thus as distinctly apprehended then as now. Nevertheless, how many centuries passed before the inhabitants of Scotland could command the means and the mutual action required even to erect a wooden bridge? Again, how long ere their united action could be brought to bear on the erection of a stone bridge? Certainly they knew that the thing could be done, thousands of years before it was done. Therein lies the marrow of the whole matter.

To take a modern instance : when the first tunnel was made through a hill, supposing it only a few hundred feet, henceforth there was no limit to the extent of tunnelling. The only drawback was the limited means and appliances as yet at man's disposal. If these requisites were forthcoming in sufficient quantity and availableness, there is nothing to prevent us from tunnelling the globe throughout. This is as clear to the understanding as the light of day. Yet how long may it be or the sub-marine tunnel from England to France can be made and opened for traffic? Is it not the want of means—that is,

suitable appliances—rather than the want of mere knowledge, which delays it?

How long was electricity known as a natural power ere it was applied to the purposes of electric telegraph? The first telegraph line set up and brought into operation clearly demonstrated that it could be applied from one end of the earth to the other. But it was many years ere sub-marine telegraph on a great scale was successfully accomplished. This arose as always from the want of sufficiently combined and concentrated appliances—that is, in the manufacturing, the protection, and the laying down of the wire—rather than from any want of knowledge of the element itself. Before the Atlantic cable between Europe and America was laid, several attempts failed, simply because the appliances were inadequate to meet the special case, not at all from any want of knowledge of the general principle.

These are a few examples of what I deem the simple and radical principle of historic interpretation of human progress. It is equally applicable to the past, the present, and the future.

It is not alone in the physical sciences and the material arts, but more especially in the early attempts of government, everywhere intellect has been in advance of the means of attainment. Inasmuch as the social feelings and moral sentiments were lax, dim, crude, and narrow; and the essential elements of social organisation being weak or wanting, sympathy and mutual respect, union and regularity, were undeveloped—and these are always the very core of order, the conditions without which there can be no real progress. It is clear, then, it has not always been the mere want of intelligence which has rendered the progress of mankind so slow. The lowness, the sullenness, and the weakness of the social and moral elements has retarded the course of progress more than the want of intelligence. It is so everywhere, among the highest civilised nations, and the lowest savages. The disregard of the most exalted moral law, the lack of broad and genuine

humanity—this, and not the dearth of knowledge, is the real enemy of progress, happiness, and civilisation.

Resuming the discussion of the weapons and implements, rude stone moulds for forming axe heads, a knife and spear heads, by running in the metal, have been found in Scotland; and moulds for casting celts of different sizes, a large mould for a dagger blade and handle, a knife blade and lance, or other object, have been turned up. It seems probable the metal was simply poured into the indented surface, and there left exposed to form.⁴⁹ Other stone moulds in pairs, for casting celts, have been discovered; two pairs of them were found in Ross-shire.⁵⁰ It is likely the earliest metal weapons were cast much in the same way as lead balls at the present day. Moulds for casting celts and spear heads have been got in other parts of Scotland; and a similar class of moulds have been found in England, Ireland, Denmark, Switzerland, and other countries of Europe.⁵¹

It is generally assumed that the knowledge of the use of metal was intruded on the original inhabitants of Britain by some external influence from the East.⁵² But the question may be asked, why should we set ourselves to bring this and other early discoveries from the East? Is there any necessity for

⁴⁹ Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 343, 344.

⁵⁰ *Ibid.*, pp. 345, 346.

⁵¹ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI., pp. 48, 209. Lubbock's *Prehistoric Times*, p. 34.

⁵² Nelsson's *Primitive Inhabitants of Scandinavia*. Ed. Sir J. Lubbock. Pp. 34, 36; and Sir John Lubbock's *Prehistoric Times*, p. 34. 1865. In the department of politics the Eastern peoples have always been behind. "All the Oriental states, from the dawn of history to the present time, have been governed by despotic princes. Simple despotism, in the most unmitigated shape, has been the unvarying rule. Both in its form and its practice, every Oriental government has been despotic. Of government considered as a scientific art—as a practice founded on a rational theory—the Orientals have never formed any conception" (Sir George C. Lewis). *On the Methods of Observation and Reasoning in Politics*, Vol. II., pp. 91, 93, 94. "Their alphabets are more intricate, and the difficulty of writing and reading is far greater than in the European alphabets" (*Ibid.*, p. 104).

assuming that the use of metals was first known in the East? If there is anything in the nature of the case compelling us to look to the East for this and other early discoveries, what is it? Perhaps it is one of those extremely general and convenient phrases employed to cover our ignorance and pamper imagination. One thing is plain, the materials required to produce bronze abound in Britain: copper, tin, and lead are found in several districts. So with the raw materials around them, there is no need to have recourse to fanciful and far-fetched explanations of the origin of its use among our early ancestors. There is not the slightest indication of an exterminating process by the intrusion of a new race upon the old one; and, as already noticed, metal weapons did not at once supersede stone ones. What evidence have we that the East was communicative of its high knowledge in prehistoric times, or that its people ran throughout the world spreading the knowledge of metals and other great discoveries they are supposed to have enjoyed, instead of shutting their gates and closing their ports to strangers, as they have been so long accustomed? A wonderful country this East, with a more wonderful people! If they had only continued as they began, they must have been in possession of metallic ships, bridges, and roofs of buildings thousands of years ago. O cruel destiny, shall we say, thou hast doomed it otherwise!

The occurrence of the rude stone moulds in Scotland and other northern countries in Europe presses hard on the theory which brings the origin of the use of metals from the East. And if the copper and bronze implements and weapons found in Scotland show anything, it is that they were formed on the patterns of the stone ones. Both exhibit the same deficiencies, especially in the hafting of cutting tools. A few copper objects resembling axe heads have been found, which were cast in the open stone moulds. If these facts are insufficient to establish the native origin of the use of metals, they are more natural, and harmonise better with what is known than the assumption

which ascribes it to some foreign and far-off influence. Men are rather apt to look afar for the origin and cause of many things, when the real causes are close at hand—often in and around themselves.

A pretty large number of bronze and other mixed metal weapons and implements have been found in Scotland. The National Collection contains many, exhibiting various forms and degrees of skill and taste in finishing. They appear mostly to be cutting, striking, and thrusting weapons and implements, but it is often impossible to distinguish a weapon from a working tool; doubtless many of them were used for both purposes. Confusion has occasionally been introduced by antiquaries, who give minute details of the use of each sort of weapon and instrument. Such descriptions are coloured by the ideas of the writer's own time, and are delusive because distinctions are made which were unknown to the people at the period under discussion.

The most characteristic bronze relics of native workmanship are the class called celts, arrow heads and spear heads, swords and daggers, a few implements of uncertain use, and bronze brooches. Probably the celts were used for many purposes. They vary in size from one inch to thirteen, they show variation in form, and some of them are ornamented. The spear heads and arrow heads are more tapered to a point than the celts, and in some of them attempts at ornamentation are observable. A few dagger-like weapons, with a two-edged blade, are elaborately ornamented. Perhaps the most notable of the bronze weapons is the leaf-shaped sword. It has frequently been found in good preservation. They are usually a little over two feet long, simple, neat, and symmetrically formed.⁵³

⁵³ *Proceedings of the Society of Antiquaries of Scotland*, Vol. V., pp. 30, 214; Vol. VI., pp. 203, 252, 253, 271, 272, 275, 276, 311-313; Vol. VII., pp. 105, 106, 423, 441, 502; Vol. IX., pp. 435, 436; Vol. X., pp. 458, 459, 286; Vol. XI., pp. 121, 153. *Wilson's Prehistoric Annals of Scotland*, Vol. I., pp. 382, 393.

A few other bronze implements have been discovered, but it is impossible to tell what they are. One of this sort is a curved thing, which some suppose was intended for scraping. Another one rarely met in Scotland, has been called a sickle, from its somewhat remote resemblance to a reaping hook. These primitive implements are very small; the blades are only 6 or 7 inches long.⁵⁴

Bronze and gold ornaments of native workmanship, deemed to belong to the prehistoric period, have also been found. A great variety of brooches of home make, decorated with gold and silver, have been got; but, excepting the simple gold ornaments, and a few of the bronze ones, the others cannot be assigned to an earlier date than the Christian era. The early gold ornaments are massive ring-like things, twisted masses of the fine metal wrought together into a few simple forms. They are very valuable, and offer a tempting bait to the melting-pot of the goldsmith. A number of these gold trinkets were figured and described by Dr. Wilson, and in the *Proceedings of the Scottish Antiquaries*.⁵⁵

Few points in the history of human progress are better ascertained than that personal ornaments appear at a very early stage. This craving at first does not demand much artistic touch and form to satisfy it, but profusion of display makes up for quality. Probably shells and bits of bone were the trinkets which the early inhabitants of Scotland wore to set themselves off to the best advantage. The oldest relics of their personal ornaments which have survived are beads of bone, animals' teeth, horn pins and other fragments of necklaces. There is hardly any attempt at carving or decoration. Jet beads and necklaces were used at an early period; they

⁵⁴ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 375-378; Vol. VIII., pp. 309, 310, 431-434. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 401, 402.

⁵⁵ *Ibid.*, Vol. VI., p. 311; Vol. VII., pp. 351, 352; Vol. ~~VIII.~~, pp. 28-32, 407, 408.

frequently occur in the tumuli, and in connection with urns and stone coffins.⁵⁶

In the National Collection at Edinburgh there are a few stone objects, supposed to have been ornaments. One class of them were charm stones, which we will again come across. When exploring a rudely-vaulted tumulus in the Island of Skye, 1832, a cist containing a human skeleton was found, and by its side an ornament of polished pale greenstone. It was about two and a half inches long and two broad; it had a small hole at each of its four corners, and slightly ornamented along the sides. Another, much the same, was disinterred from a mound at Cruden, Aberdeenshire, measuring 4 inches long.⁵⁷

Whether any of the ornaments first noticed were worn by the women of those times, can only be surmised. In the early and rude stages of society, man delights to appropriate most of the ornaments himself, which in more advanced states are freely given to bedeck the other sex. However, the beads, necklaces, and a few of the small ornaments were probably worn by the female members of the family. The frequent occurrence of this class of ornaments in the early graves seems to indicate that the position of women was not altogether ignored.⁵⁸

The early pottery articles ferreted out in Scotland are pretty numerous. They consist chiefly of vases, urns, and various utensils seemingly of domestic character. The early specimens of native pottery are rather unshapely things made by the hand, without the aid of the potter's wheel, merely dried

⁵⁶ *Proceedings of the Society of Antiquaries of Scotland*, Vol. V., pp. 14, 127; Vol. VI., pp. 302, 217, 218; Vol. VII., pp. 497, 498; Vol. VIII., pp. 408-412. Wilson's *Prehistoric Annals of Scotland*, Vol. I., p. 217.

⁵⁷ Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 223, 224. The spherical stones, and the use made of them in later times, are well described in the *Proceedings of the Society of Antiquaries of Scotland*, Vol. IV., pp. 211-224; Vol. V., p. 327; Vol. VI., p. 233.

⁵⁸ *Ibid.*, Vol. I., pp. 216, 217.

by the sun, or imperfectly baked at an open fire. The rudeness of an article, however, is no evidence of its antiquity ; rough and coarse articles are at all times made in greater or less quantities.

It has been said that the potter's wheel was unknown to the people of this country in the stone and bronze ages.⁵⁹ But it seems probable that a wheel was in use among the people of Britain long before the historical period, though not in the complete form of the modern one. The further we inquire, we will find more and more reason for caution in these matters. It should always be remembered that the knowledge of a thing often long precedes the full embodiment of its application.

The most common pottery articles are the urns, but they will be noticed further on, and the other objects of the potter's art will not detain long. There are small shallow cups without ears, perforated through the rim, differing much in shape, and rarely more than 2 or 3 inches high. They may have been used for various domestic purposes. Another class of small vases ranges from 6 to 9 inches high. The only ornamentation on these vessels are a few geometrical lines, and some herring-bone like patterns, which could have been impressed by twisted thongs or strings on the damp clay. There is no attempt to represent a tree, a flower, a bird or any natural object.⁶⁰

The invention of boat building cannot be traced to any age or country, nor is this strange, remembering how early boats of some sort must have been used. Looking to the insular position of Great Britain ; and the features of the coasts of Scotland, its firths, bays, inland lakes, and rivers, and the many islands dotted here and there a short way off the mainland, it might reasonably be thought that a knowledge of boat building and

⁵⁹ Lubbock's *Prehistoric Times*, pp. 113, 135, 160.

⁶⁰ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 67, 68 ; Vol. VIII., pp. 25, 376 ; Vol. X., pp. 21, 22. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 424, 429, 430.

seamanship would soon be developed. This expectation is not altogether disappointed.

It seems that the boats of the early inhabitants of Scotland were made by simply hollowing out the middle of a single oak tree, with the aid of such rude tools as we have described ; or, as some suppose, partly by the action of fire. Marks of fire has been traced in the cavity of these primitive boats ; hence it is inferred, fire might have been used to burn out the hollow of the tree. They have been found in many parts of the country, in the mosses, lochs, and on the banks or beds of rivers, sometimes at a depth of from thirteen to thirty feet below the surface of the soil.⁶¹ Lochar Moss, a tract in Dumfriesshire, bordering on the Solway, has yielded up from time to time, three or four specimens of boats formed of a single tree. One of them was 8 feet 8 inches long, 2 feet broad, and 11 inches deep. Boats of the same kind have been dug up in Wigtonshire, Renfrewshire, Argyleshire, Aberdeenshire, and other districts ; often in connection with the artificial islands called crannoges, hereafter described.⁶²

But the valley of the Clyde has yielded up the greatest number of these canoes. Under the streets of Glasgow and its vicinity, while digging the foundations of houses, cutting drains, and operations connected with the harbour works, more than twenty were brought to light. Most of them are formed of single trees. They vary greatly in length and depth, but there is little doubt they all belong to the first stage of shipbuilding. The only exception, showing some advance in constructive skill, is one built of several pieces of oak without ribs ; another, with a base and keel formed of a large oak trunk, and to this were attached ribs, planks, and a prow with a cut water.⁶³

⁶¹ J. Geikie's *Great Ice Age*, p. 312.

⁶² Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 44-47. *New Statistical Account*, Vol. II., p. 1059. *Proceedings of the Society of Antiquaries of Scotland*, VI., pp. 119, 121, 146, 148, 458.

⁶³ *Proceedings of the Society of Antiquaries of Scotland*, Vol. I., pp. 44, 45, 211-213 ; Vol. II., p. 212. A. Geikie's *Scenery of Scotland*, p. 324. He gives an interesting account of them.

A lively interest centres round these simple primitive vessels, and the men who used them sailing on the Clyde. Rude as they appear to us, they are the first marks of that ingenuity and daring, which has at length resulted in the construction of the majestic ships and iron steamers which now plough the ocean in every quarter of the globe. Between the two sets of vessels what a contrast! Nevertheless, all the intervening stages, though we cannot minutely describe them, are only the manifestation of that energy and persistence which has never yet deserted man through all his struggles. Here every one may see what a progress onward and upward man has made in this single department; baffled often, yet he always pursues till success finally crowns his efforts.

Defence and protection are essential to man's existence under all circumstances. It first appears in the rude defensive and offensive weapons already noticed; and this is soon followed by the choosing of positions for the erection of strongholds to defend and protect the clan, tribe, or community. When looking, therefore, for the lines of the early inhabitants of our country, we naturally expect to find indications of defensive works reaching far back into remote ages. In Scotland, hill forts of various kinds abound throughout all parts of its territory. Only a brief review of a few of them can be given here, indeed, more is not required, as they have been often described.

These forts are formed of mounds of earth or stone, sometimes of both, round the crests and summits of the hills. The small circular erections of earth and loose stones found on hill tops, are probably the oldest specimens of defensive works now remaining in Scotland. At all events, they belong to a period when the arts of the country were in their infancy.

The next class, the circular forts or camps capping the heights of Galloway and the Lothians, and common throughout the country, generally consists of an area three or four hundred

feet in diameter, enclosed with ramparts of earth and stone, with little trace of building remaining.⁶⁴

The largest hill fortress of native construction in Scotland, is the one crowning the summit of the White Catherthurn, a conical hill, in the northern part of Forfarshire. It overlooks the valley of Strathmore, near where the Grampians begin to rise into mountains. It is easy to see that the position is a commanding one. Besides dominating the great plain, it overlooks Fife and the Lothians, as far as the border mountains. And backed by the chain of the Grampians, as a line for retreat in case of extremity, this stronghold must have proved a disagreeable neighbour to the invader. It is remarkable that the districts overlooked by this fortress, are those in which the traces of Roman invasion are often found. Hence it might be surmised that the Romans never reduced this stronghold. We know they failed to hold any part of the country to the northward of it, though they had military stations and outposts further north, they were only of a temporary character.

The fortress itself consists of four concentric circles of stone. The innermost one has a diameter of eighty paces. The space within it is flat, and completely protected by the great mound which encircles it. This may be regarded as the citadel. Beyond it, the other ramparts and ditches, surround the height in succession at lower elevations, altogether a large area is enclosed, affording scope for a numerous body of defenders. The amount of labour implied in the construction of this great work is almost incredible, and has strongly impressed every one who has examined it.⁶⁵ On a neighbouring hill there is a smaller fort of the same class.

On Dunsinnane, a conical hill 1114 feet above the sea, there is the remains of a large fort with several concentric ramparts.

⁶⁴ Chambers's *Caledonia*, Vol. I., pp. 87-96. Wilson's *Prehistoric Annals of Scotland*, Vol. II., pp. 88-90.

⁶⁵ Roy's *Military Antiquities of Scotland*, p. 47. Burton's *History of Scotland*, Vol. I., p. 93.

This hill is detached from the surrounding hills by deep valleys on each side, and it commands an extensive prospect. On the south, the Sidlaw hills, the fertile Carse of Gowrie, the estuary of the Tay, St. Andrews, and the hills of Fife; and to the north, the plain of Strathmore is seen, bounded by the range of the Grampians. In its day this fort must have been an important one. There are traces of two roads up to the top of the hill. The works of the fortification seem to have been large; and a part of the walls were vitrified.⁶⁶

Further northward on a hill called the Barmekyn of Echt, Aberdeenshire, there is a hill fort of five concentric circles. The ramparts are less than those of the Catherthurn, but they are better preserved. There is another smaller one, on a steep height in Glenshiora, Badenoch, with walls fourteen feet thick, built of schistose slate. Some parts of the walls remaining are fourteen feet high; it is among the most complete remnants of the hill forts of Scotland.⁶⁷

The number of hill forts in the country, especially on each side of Strathmore, has gradually led the best inquirers to the conclusion, that they were places of resort to large bodies of the inhabitants on sudden emergencies. In times of invasion, it is supposed, the people retired within the ramparts and erected their huts there; the strongholds thus became the temporary abodes of the inhabitants.⁶⁸ This is quite consistent with all that is known of these places, and coincides with the remains turned up within them.

Another class of hill forts are the vitrified ones. At one time they were supposed to be produced by volcanic action, but this idea has long been abandoned, and they are recognised as the unmistakable works of man. There is one on Craig

⁶⁶ *Proceedings of the Society of Antiquaries of Scotland*, Vol. II., pp. 95-97; Vol. IX., pp. 378-380.

⁶⁷ Wilson's *Prehistoric Annals of Scotland*, Vol. II., pp. 91, 92.

⁶⁸ *Proceedings of the Society of Antiquaries of Scotland*, Vol. II., p. 99; Vol. X., pp. 148, 149. See also Chambers's *Caledonia*, Vol. I., pp. 87-96.

Phadric, an isolated and abrupt conical hill in the neighbourhood of Inverness. The hill has been selected as a commanding position ; on one side of it runs the river Ness, and behind it stands the mountains of Inverness and Ross.⁶⁹ There are other vitrified forts in the counties of Inverness, Ross, and Argyle.

On the top of the hill of Noth in the parish of Rhynie, Aberdeenshire, there is the remains of a great vitrified fort. This position too commands an extensive view of the surrounding country. At Dunnideer there is another ; one on the hill of Finhaven, Forfarshire ; one on the hill of Barry, Perthshire. The last is a strong fort with the walls partly vitrified. There are several in Galloway, and in other parts of the country.⁷⁰

The vitrified forts are numerous and almost peculiar to Scotland ; hardly anything of the kind has been found in Ireland or any other country. The vitrified works of Bohemia and Brittany are different from the Scotch, though they exhibit some resemblance. The drift of recent inquiries about our vitrified forts, is that those who made them intended to vitrify them, that they are works of design and persistent labour.⁷¹

Another set of edifices differing widely from any of the preceding, are associated with the early defensive works and dwellings of the people—these are the brochs. They are all constructed in one typical form. It is that of a hollow circular tower on a broad base, narrowing upwards with a curve. They are built with unhewed stones, and without mortar. The contrivance for keeping the rounded outline with such material, was by choosing all the stones thin and flat. They

⁶⁹ Burton's *History of Scotland*, Vol. I., p. 95.

⁷⁰ *Proceedings of the Society of Antiquaries of Scotland*, Vol. III., pp. 451-453 ; Vol. VII., p. 301 ; Vol. IX., pp. 397, 398. *Sculptured Stones of Scotland*, Vol I. Notices of the Plates, pp. 451, 453. See an interesting discussion about the vitrified forts in Dr. Wilson's *Prehistoric Annals of Scotland*, Vol. II., pp. 92, 99.

⁷¹ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VIII., pp. 145-155

are evidently the work of men unacquainted with the arch ; they have no roofs, nor arrangements for retaining them, and their small openings are merely flagged.⁷²

The inside of these buildings is more curious than the out. In all the brochs, there are two concentric walls, the outer one circular and widening to the base, the inner one also circular but perpendicular ; so the two walls approach each other as they rise in height, till both come together at the top. Around the inner wall, there are tiers of square openings into the space between the walls ; this space is flagged, dividing the erection into several storeys of chambers, which all, of course, lessen as they rise towards the top. The internal chambers are divided from each other by slabs, and in the larger brochs there are the remains of rude stairs leading through the successive storeys. There may be slight variations from this description, mainly arising from their dimensions.⁷³

The brochs are most numerous in the region north of Glenmore and in the Islands ; here between three and four hundred have been noticed.⁷⁴ They are rarely met with in the southern districts of Scotland. And they are peculiar to this country ; nothing as yet has been found anywhere bearing a close analogy to them.⁷⁵

⁷² *Proceedings of the Society of Antiquaries of Scot.*, Vol. III., 189, 190 ; Vol. VII., pp. 306, 427. Leslie's *Early Races of Scotland*, Vol. II., pp. 347, 348.

⁷³ Wilson's *Prehistoric Annals of Scotland*, Vol. II., pp. 102-104. Burton's *History of Scotland*, Vol. I., pp. 100-102. *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 298, 299.

⁷⁴ *Proceedings of the Society of Antiquaries of Scotland*, Vol. III., pp. 189, 190, 191-193 ; Vol. VII., pp. 290-292, 296-300. *Orkneyinga Saga*. Introduction by J. Anderson. Pp. 109, 110.

⁷⁵ *Ibid.*, Vol. III., p. 192 ; Vol. VIII., p. 155. This year a work appeared by the eminent author of the *History of Architecture*, Dr. Fergusson, entitled, "*A Short Account of the Age and Uses of the Brochs and Rude Stone Monuments of the Orkney Islands and the North of Scotland*". In it he stoutly maintains the theory that the brochs originated with the Norwegians ; that the brochs in the islands, and on the mainland of Scotland, are the work of the Norsemen who invaded these regions in the 8th and 9th centuries. I can only say, this theory runs in the teeth of any evidence we have in the matter, and is opposed to every rational inference and rational probability.

These singular structures, though rude in construction, present many features of interest, especially in the great effort they exhibit to obtain shelter and security. The surprising and striking uniformity of design and execution which they disclose, the limited range of territory within which they are found and their number there, are all exceedingly interesting points.

The question has often been asked, for what purpose were the brochs erected? It has generally been concluded that they were fortresses. According to our ideas, they are ill-suited for defence; we cannot see how a party inside could have resisted assailants for any length of time. It must be remembered that the means of attack were then as defective as the means of defence; and the want of relevance to our idea of a work of defence is nothing to the point. We can see that for passive resistance they were admirable; and probably this was their original purpose—places of refuge from a marauding enemy, whose object was to plunder rather than to conquer and occupy the land.

The brochs were certainly the strongholds of the Celtic inhabitants at an early period, but perhaps within the Christian era. The articles and objects found in and around the brochs consist of stone, bone, horn, bronze, and iron implements and weapons. It is said stone weapons have not been found in the brochs, which can only mean that stone weapons were not used by the occupiers of the brochs. We are told the people who occupied these structures grew grain and ground it by hand-mills, they practised the arts of spinning and weaving, and wrought articles in bronze and iron. Rude bits of pottery, large quantities of the bones of the ox, deer, goat, sheep, horse, dog, birds, and fish, have been discovered among the *debris* of the brochs.⁷⁶

An interesting class of early dwellings have lately attracted

⁷⁶ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII., pp. 43-46, 56-79, 426-439; Vol. VIII., pp. 188-204; Vol. X., pp. 5-23. And *Orkneyinga Saga*; introduction; pp. 109, 110.

much attention—the artificial islands, called crannoges. Their leading principle is isolation. This was deemed so important by the people of early times, that they formed artificial islands amid the solitary waters of the lochs which abound in Scotland.

Lake dwellings have been discovered on a large scale in Switzerland. In Ireland they continued to be occasionally used till comparatively recent times. But there is no evidence of recent occupation of these island abodes among the lochs of Scotland. All crannoges have one common end—the security amid the water. On one of them in deep water, before weapons for throwing heavy projectiles were known, if the enemy was not in possession of boats, he had no means of disturbing their occupants.

They have been found in Scotland from Wigtonshire to Inverness. They exhibit considerable variation in size and the materials of which they are formed. Advantage was often taken of the natural ridges and the shallows of clay and marl in the loch ; these were fenced with a wall of stones or wooden piles, and then connected with the shore by a causeway of wood and stones. Some crannoges, like those on Dowalton Loch, Wigtonshire, are formed on the bottom of the loch by brushwood, ferns, and heather, all joined together by piles driven into the bottom, and the area of the island surrounded by many rows of piles. Others are mostly made up of wood and stones, or of stones and earth. The modes of construction, the variety of material used, and the labour implied, all seem to show that the early inhabitants considered the crannoges important works.⁷⁷

As already mentioned, canoes made of a single tree are often found near the crannoges of Scotland. Five canoes were got in the Loch of Dowalton, and in many other instances they have been found in connection with the crannoges. The boats

⁷⁷ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI., pp. 114-177 ; Vol. X., pp. 31-34, 741.

afforded the means of communication with the shore, as most of them had no causeway to connect them with the land. The things usually found in the Scotch crannoges are personal ornaments, culinary articles, implements, and weapons chiefly of bronze, but sometimes of iron.⁷⁸ Any precise attempt at present to fix their age would be futile.

Another work linked with the early defences is known by the local names of the "Deil's Ditch," "The Pict's Work Ditch," and "The Catrial". This is a wall or rampart of earth and stones. It commences on the river Gala, about a mile from Galashiels, and it is conjectured that the wall may have been carried across to the east coast; its southern end has been traced to Pell Fell in Cumberland. It passes through the famed portions of the border land, by Yarrow, Melrose, Liddesdale, and near Hermitage Castle. Its profile is a ditch between two walls. About the beginning of the 18th century, the vestiges of the ditch were 24 feet broad and very deep, the ramparts on each side 6 or 7 feet high, and 10 to 11 feet thick. The wall is partly built of unhewn blocks of trap, other parts of stones mixed with earth and clay, and other parts wholly earth. From the thickness of the moss along its sides in some places, the work is supposed to be of great antiquity.⁷⁹

⁷⁸ *Pro. of Soc. of Antiq. of Scot.*, Vol. VI., pp. 121, 132, 148; Vol. IX., pp. 389, 391. *Wilson's Prehistoric Annals of Scotland*, Vol. II., pp. 100, 101.

⁷⁹ *Burton's History of Scotland*, Vol. I. There is an account of this work in the third volume of the *Proceedings of the Society of Antiquaries of Scotland*, by Mr. Kennedy of Hawick, pp. 117-121. "The opinion is gaining ground that it was a mere territorial boundary, and that it was made only where no natural boundary existed, such as clughs and water courses—courses which it is invariably found to take when these occur in the line of its route. This view of its original use derives additional force from the fact that it is still in some places the only boundary between adjacent proprietors." Pp. 119, 200. What this has to do with the original purpose of the wall, I fail to see. In this region the land has changed hands so often, even since the 11th century, to talk of boundary lines between properties, in connection with this wall, is madness itself. The conclusion he arrives at is—"that it must have been an innocent, peaceable boundary line". A happy thought; I wish it were true. But peaceable boundary lines belong to modern ideas; there were few or no such lines in

Section IV.

PRE-HISTORIC AGES.

Having noticed the early dwellings, the weapons, tools, and ornaments, the defensive works, the boats, and the crannoges, of the early inhabitants, it seems best to give a short section to the sepulchral rites and customs, rude memorial stones, and such things connected with the religion and worship of the people. Remembering what was already said, I refrain from drawing dogmatic conclusions on the imperfect evidence available. Unhewn stone monuments are numerous in Scotland, but it is necessary to distinguish them from the sculptured stones, which belong to a later period. The last class falls more appropriately to be noticed along with other fragments of art towards the end of this Introduction.

Rough pillars of stone placed upright in the ground, were probably the earliest monuments erected by man. Whether as emblems of a God, or for preserving the memory of important events or of beloved and distinguished persons, we cannot tell. It only makes darkness still darker, to limit their purpose to one and a special end. They occur singly, in groups and rows throughout Scotland and its Islands, and have been classified as the rude pillars, circles, altars, dolmens, and so on. But widely different ideas prevail regarding their original intent and age. An exhaustive description of them here would be equally out of place and unnecessary ; as this can be got in works devoted to the subject.⁸⁰

Scotland six or seven centuries ago. There is another article on this work in the 5th volume of the *Proceedings*, pp. 189-195, by Mr. Irving. He fixes the date of its construction at the end of the 10th century. But I cannot accept the grounds on which he founds his assumption.

⁸⁰ The five volumes of the *Archæologia Scotica*. Wilson's *Prehistoric Annals of Scotland*. Leslie's *Early Races of Scotland* ; 2 vols. 1867. The Preface and Notes to the two volumes of the *Sculptured Stones of Scotland*. Dr. Fergusson's *Rude Stone Monuments of all Countries*. And many others which could be enumerated.

The circles are still numerous in the country, though many have disappeared under the pressure of cultivation and other defacing agencies of time. The most remarkable stone circles are at Stennis in Orkney, and Callernish in the Island of Lewis, but they have been often described. As a whole, the circles show a variety of forms and degrees of constructive elaboration. They are single, or multiplied ; some with one ring, others two and three rings ; and while some groups are oval, others aim at the pure circle. Most of the stones of the circles are rough and unhewn ; but recently on a few of the stones traces of cup and ring like cuttings were discovered.⁸¹

It was once the fashion to call these monuments Druid's temples and altars, where they performed their worship as was supposed. But now the Druids, fabled children of the mist, are almost blown off the field ; it is even questioned if they ever existed as an organised priesthood in Scotland.

Some of the circular areas, fenced round by unhewn stones, may have been places of worship during the pagan era. There is nothing unreasonable in such a supposition. The remains of the dead were often associated with them, and are found under various conditions in and around the circles, and intermingled among the earth about them. This at least shows that they were used as places of sepulture.⁸² But there is no inconsistency in supposing that these spots may have served both purposes. Where are human beings more likely to worship than near the last resting-places of their beloved and venerated kindred ? Apart altogether, therefore, from the Druidical theory, or any other theory, the people of those times may have poured out their heart-felt devotion in and about the circles. After all, however, it would be vain to conceal that the original end of the circles is involved in obscurity.

⁸¹ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI., App., pp. 13-15 ; Vol. VII., pp. 300, 303, 335. *Wilson's Prehistoric Annals of Scotland*, Vol. I., pp. 152-163. *Chambers's Caledonia*, Vol. I., pp. 71-78.

⁸² *Sculptured Stones of Scotland*, Vol. I., Pref., pp. 19-25 ; Vol. II., App. to the Pref., pp. 22-42. *Leslie's Early Races of Scotland*, Vol. I., p. 209.

The able editor of the great national work, *The Sculptured Stones of Scotland*, thinks the circles were in no case places of worship, or altars. He holds that they were erected and used as places of sepulture, the large ones as well as the small, including Stonehenge in England, and Stennis in Scotland.⁸³ This view seems well founded, though, as just indicated, I cannot see the necessity for excluding acts of worship connected with the burial customs, or the active manifestation of the people's feelings on the spot, in commemoration of the departed.

In old records the circles were sometimes called "The Standing Stones". There are instances in the 14th century of parties summoned to attend the courts at the Standing Stones of their district. But at this time, and long before, courts and councils were often held on natural hillocks, on cairns, and the like.⁸⁴ And it is needless to say that this throws no light on the original design of the circles and standing stones.

The disposal of the dead was deemed an important matter in early times. The subject would require a longer discussion than can be given here. Barrows and mounds of earth and stone are found of many forms and dimensions. They have been divided into classes by antiquarians; but we cannot go over them all, and the cairns may be taken as the best example of the whole. Many of the cairns consist of heaps of stones simply thrown together, others are raised more regularly, and often over stone chambers and galleries. As in many of the eirde houses already noticed, the entrance to the central chambers of the cairns is through a low tunnel.

A remarkable cluster of stone circles and earth mounds are scattered round the great Circle of Stennis, in Orkney. One of them, named Maeshowe, a mound of stone, covered with earth, was opened, 1861. This mound was thirty-nine feet high, sixty-two feet in diameter, and three hundred feet in

⁸³ *Sculptured Stones of Scotland*, Vol. II., App., p. 25, *et seq.* This chapter contains an exceedingly able and exhaustive discussion of the subject.

⁸⁴ *Ibid.*, pp. 41, 42,

circumference. When the mound was opened from the top, a central chamber was discovered, about fifteen feet square on the level of the floor, and thirteen feet in height to the top of the walls. This chamber had three cells, entering from it by small doors in the wall, at a height of three feet from the floor. These cells measure about five feet six inches to seven feet, by four feet six inches, and their heights are three feet. On the west side of the chamber a passage opens, leading to the outside of the mound, and measuring, from the chamber to its end, fifty-four feet; the first twenty-one feet being made with four long stones. The passage is low at its commencement, but it rises, when half-way in, to four feet four inches. This passage was closed by a large stone fitting into an aperture in the side wall so ingeniously that, unless to those who knew the secret of it, all entrance to the inner chamber was effectually barred from the outside.

Maeshowe is an exceedingly interesting structure: the chamber is built of small stones, to the height of six feet, to which height the walls are perpendicular, then begins the device of closing it above. The stones before varied in length, but now slabs of the full length of the sides are used, shortening with each course, till the square converges to a rectangular dome. The masonry is neat, and looks like ashlar.⁸⁵

Probably Maeshowe is a work of great antiquity, centuries earlier than our era. For what end it was originally intended I cannot tell. Some have inferred that it was a tomb. Human remains, along with the bones of animals, are found in structures of this kind. Nevertheless, it is far from proved that the intention of the building of these works was simply to enclose the ashes of the defunct.

The Runic inscription on the inside of the walls of Mae

⁸⁵ *Proceedings of the Society of Antiquaries of Scotland*, Vol. V., pp. 247-252. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 67-68. I am indebted to Mr. Gibb, F.S.A. Scot., for particulars about the structure of Maeshowe, and suggestions on other points of our prehistoric annals.

howe, which have exercised the critical powers of the learned, cast no rays of light on the probable age of the building itself. The serolls and scratches may have been made by the Norsemen with no definite object.⁸⁶ These Norsemen were a rough and ready lot. Certainly it would not have troubled them much to strip the chamber of whatever valuables it might have contained.

The sepulchral cairns, great and small, are very numerous. The cairn seems to have been the favourite memorial of the dead, from the early period of stone implements to the close of the pagan era. Indeed, they are still found, or known to have existed, in almost every parish of Scotland.⁸⁷ Many of them are regularly built of large stones, and involving great labour. They are generally of a conical form, though several varieties occur.

The most remarkable are the horned cairns, of which there are two classes—the long and the short. Good specimens of both are found in Caithness. The external dimensions of the long-horned cairn is great, some of them extending in length to between two and three hundred feet, and sixty feet across the widest end. In those explored, the chambers are usually divided into three compartments, with lintelled passages leading into them.⁸⁸ The enormous amount of labour implied in the construction of these cairns is almost incredible.

But the remains of the dead are frequently found in other places, under a variety of circumstances. Cists and urns are often discovered in dry, gravelly hillocks, and in spots where no external signs of them appear.⁸⁹

Many interesting objects may be noted in the contents under the cairns and mounds. In some the bodies were put

⁸⁶ *Proceedings of the Society of Antiquaries of Scotland*, Vol. V., pp. 262-278.

⁸⁷ Chambers's *Caledonia*, Vol. I., 83-86. *New Statistical Account*.

⁸⁸ There is an excellent description of the horned cairns of Caithness in the seventh volume of the *Proceedings of the Society of Antiquaries of Scotland*.

⁸⁹ *Sculptured Stones of Scotland*, Vol. II., App. to Pref., p. 59.

into coffins or cists made of stone. These are of various kinds—boxes of rough slabs, held together by the surrounding earth; or others, with the sides, and ends, and lid fitting each other neatly; again, some of the cists are simply formed by hollowing out a great stone like a trough. While the body itself is either laid at full length, or in a sitting and contracted position. In some instances the skeletons of two men have been found in one cist, one at each end. Naturally as might be expected, owing to the different ways of placing the body, the dimensions of the cists vary much. Sometimes a number of cists are found varying in size, but none of them long enough to hold a full-grown person at his length. The cists occur singly and in groups. In the parish of Kirkliston, near the Catstane in 1864, eight rows of stone coffins were discovered, regularly placed within a short distance of each other, and amounting to fifty-one. These were all of the long class, and the bodies had been laid at full length. No weapons, implements, or ornaments was found among this group.⁹⁰

As already mentioned, it is generally held that complete burial was the earliest mode of disposing of the dead. As we have just seen, different modes of placing the body prevailed.

The other way of disposing of the dead was by burning, and preserving a portion of the ashes in an urn. The urns disinterred in Scotland are pretty numerous, and have evoked recondite discussion. They are frequently found inside the stone cists, alongside, or near them, or at some distance in the same cairn and mound. Although, therefore, we cannot tell when the custom of burning the body commenced, its termination is brought within comparatively narrow limits. It is agreed on all hands that urn-burial did not continue among Christians.

⁹⁰ *Proceedings of the Society of Antiquaries of Scotland*, Vol. III., pp. 145, 364; Vol. VI., pp. 184-194, 411-418; Vol. VII., pp. 110-113, 115-118, 38-41, 512-515; Vol. VIII., pp. 56-58, 135-139, 166, 167. Wilson's *Prehistoric Annals of Scotland*, Vol. I., pp. 67-69, 271, 272.

The simple form of the cinerary urn is something like the common flower-pot—a form still retained as the easiest way of moulding the plastic clay. Many of the large urns are of this shape, and probably the other forms were gradually developed from it. The urns of native manufacture vary in size, from the small cup to the large urn, thirteen or seventeen inches high. Their common dimensions, however, is smaller than the last mentioned. Perhaps some of them have been baked at a fire, but the greater portion were merely dried in the sun. They all aim at the round form, but some of them are far from attaining it, and seem to show that their makers had not used the potter's wheel. There are others so perfectly round, that if the maker had not the assistance of the wheel, his own manipulation must have been wonderful.⁹¹

The decorations of the urns are comprised within narrow limits ; they scarcely go beyond the simplest geometrical forms. There is nothing on the urns resembling the curious figures on the sculptured stones of Scotland, nor has anything been found in the cairn-graves indicating a homage to Christianity.

Several stone urns have been turned up in Caithness, and the Orkney and Shetland Islands. They are frequently very large, always made of a soft stone, sometimes hollowed out of a single block ; but others are fitted with a separate piece for the bottom. They are supposed to belong to a late stage of the pagan period.⁹²

The urn is commonly protected by the arrangement of the surrounding stones, but sometimes they are merely covered with the earth. The Romans set their urns upright ; but the prevailing custom of the northern nations was to fill the urn with the remains, invert it, and place it on a slab or on a circular vessel made to fit round the mouth. The rude u

⁹¹ *Proceedings of the Society of Antiquaries of Scotland*, Vol. III., pp. 462 ; Vol. IV., pp. 66, 165, 379 ; Vol. V., pp. 311, 312, 362, 363. *Wales and Annals*, Vol. I., pp. 413, 416, 429.

⁹² *Ibid.*, Vol. X., pp. 538, 545.

however, are at times discovered in Scotland, set upright; and, like the stone cists, they are occasionally found in groups. In 1845, while workmen were trenching a rocky knoll in the parish of Creick, Fifeshire, they discovered 21 urns, of which 14 were placed singly in a straight line, about 3 feet apart. It has been, and still is, a question whether a mound or cairn containing a number of urns and cists was a family burying place.⁹³

Bits of animal bones, as well as human, are often found in the urns, in the same mound and cairn. It is supposed when the head of a tribe died, some of his dependents were killed and burned along with him, that he might have a proper array of attendants into whatever place he went. The bones of the dog, the horse, and other animals are considered to point to a similar conclusion; and the interment of vessels, weapons, ornaments, and other valuable articles are all presumed to indicate a prevailing concern for the future state of the dead.⁹⁴

Having stated the inferences usually drawn from the remains and the objects of the early tumuli and graves, the culminating point of interest is before us. The subject is the most difficult in the whole range of archæology; nowhere is there more need for candour and caution of mind. However eminent the authorities may be, who infer from the bones and relics of the tumuli that human sacrifice and infanticide were practised among the early inhabitants of Britain, I deem it due to truth to announce that the evidence hitherto adduced in support of the prevalence of these horrible rites, is utterly insufficient to bear such conclusions. A few specimens of the sort of proof mainly relied on will place the matter in its true light.

“The very frequency of the presence of the bones of animals

⁹³ *Proceedings of the Society of Antiquaries of Scotland*, Vol. IV., pp. 507, 508-511; Vol. VI., pp. 217, 218, 276-278, 388-391, 394, 418, 419; Vol. VII., pp. 24, 25, 198, 401-407, 475; Vol. VIII., pp. 166, 167, 466; Vol. IX., pp. 158-160, 268-270; Vol. X., pp. 43, 739-740.

⁹⁴ *Ibid.*, Vol. VII., pp. 268, 269, 372-375, 519-523; Vol. VIII., pp. 135-139, 352-355, 381-383. *Wilson's Annals*, Vol. I., pp. 418-498; Vol. II., p. 152.

in the tumuli appears to show that sepulchral feasts were generally held in honour of the dead, and the numerous cases in which interments were accompanied by burnt human bones tend to prove the prevalence of still more dreadful customs, and that not only horses and dogs, but slaves also, were frequently sacrificed at their masters' graves. It is not improbable that wives often were burnt with their husbands, as in India and among many savage tribes. For instance, among the Fugees it is usual, on the death of a chief, to sacrifice a certain number of slaves, whose bodies are called grass for bedding the grave. It is probable, says Mr. Bateman, that the critical examination of all deposits of burnt bones would lead to much curious information respecting the statistics of suttee and infanticide, both which abominations, we are unwillingly compelled, by accumulated evidence, to believe were practised in pagan Britain. From the numerous cases in which the bones of an infant and a woman have been found together in one grave, it seems probable that, if any woman died in childbirth or while nursing, the baby was burned alive with her, as is still the practice among some of the Esquimaux tribes."⁹⁵

The pliant mode of almost pure assumption which runs throughout this passage is very characteristic, and must strike thinking persons as anything rather than evidence of the prevalence of the hideous practices among the early inhabitants which it suggests. Why should any number of burnt human bones in a tumuli, however great, be regarded as proof of a custom of human sacrifice, when we know that it was a prevailing practice to burn the bodies of the dead for a long period? Here we see a total oblivion of the surrounding circumstances, with the aim of drawing a certain inference. Moreover, the existence of the practice of human sacrifice among Indian savage tribes is no evidence that similar customs prevailed among the early inhabitants of Britain. This method

⁹⁵ Sir J. Lubbock's *Prehistoric Times*, pp. 115-116. 1865.

is a great favourite with Sir John. It is an easy way of reaching a foregone determination; but it is not philosophic, nor scientific, nor, in the majority of cases, a permissible mode of inference. Along with the inference, a statement ought to be given of the circumstances, the intellectual and social state of the tribes compared. This is impossible in the case of prehistoric races. No one has, or can have, more than an imperfect conception of such races. Even concerning the state of existing savage tribes, with the circumstances around them open to view, those who have most earnestly tried to find out what their religious and moral ideas are, will be the readiest to admit the extreme difficulty of ascertaining the truth.

When Sir John says, because infants' and women's bones are often found together in one grave, therefore it is likely that the children were burnt alive, as is still done among some of the Esquimaux tribes; he, perhaps, fancied this horrible suggestion was confirmed from two different sources, yet the ground for the suggestion is hobbling and palpably ridiculous. How many children are still-born, and how many die under one year in Britain in the present stage of civilisation, and buried in the grave of their mother or some other woman? For Sir John himself cannot pretend to know whether the woman was the mother of the child or not; she might have been its grandmother, great grandmother, its sister, or any other member of the tribe, just as likely as its mother. This is pertinent to the suggestion, and should have been before Sir John's mind. In the next place, what has so natural an incident as the bones of infants in the grave of a woman, to do with the practice of infanticide among the Esquimaux tribes? I can see no connection between the two. And this is the man who gravely lays down rules for the guidance of inquirers;⁹⁶ might he not fitly take a lesson in sober reasoning himself?

On a matter so interesting as the religion of the early tribes,

⁹⁶ *Prehistoric Times*, p. 116.

it unfortunately happens, that our information prior to the introduction of Christianity, is scant and unsatisfactory. If we attempt to draw conclusions from the notices of the classical writers, who were but imperfectly informed, we commit ourselves to a very doubtful course; and especially, as most of the Romans looked with contempt on the barbarians. Their statements about the religion of the northern tribes has raised a great dust among historians, and may just as well be thrown out of account. This is not surprising when we know how difficult it often is for travellers and missionaries to discover the religion of a savage tribe, and give a correct rendering of it.⁹⁷

It may, however, be safely assumed, that their religion was a form of polytheism, not very distinctly marked off from others of a similar class. This is corroborated by the notices of the ancient religion of the people in the lives of the early Scottish saints, and by customs and superstitions which have survived with varying degrees of vigour up to the present day. Some of these are notorious, as the belief in witchcraft, and in hosts of malignant spirits. A general belief prevailed that supernatural beings, souls, and ghosts, pervaded everything; they were recognised in rivers, wells, mountains, and trees, as well as in men and animals.⁹⁸

There is little indication of an organised priesthood among the northern tribes. But there were persons who claimed to have powers of magic and divination, and charms and incantations were rife enough among them. Indeed the practice of these things is far from dead at the present day; in one form or another they may still be seen even in the heart of London.

To sum up the two preceding sections, supplementing them by the light afforded at the opening of the Christian era, filling in anything important which can be gathered and fairly

⁹⁷ Tylor's *Primitive Culture*, Vol. I., pp. 377-383.

⁹⁸ *Historians of Scotland*, Vol. VI.; *Life of Columba*, pp. 45-48, 49, 56-59, 81, and the *Sculptured Stones of Scotland*, Vol. II., App. to Pref., pp. 29-38, *et seq.*

inferred from circumstances, thus bringing the main points at once before the mind. Many of the marks, and most of the handiworks of the men of those times have long ago totally disappeared, and it is only the wrecks and fragments which now remain for our examination. From this we can only hope to reconstruct imperfectly the history of such fargone ages. Nevertheless, we behold the evidence of a struggle in the rude efforts manifested in the making of the stone weapons and implements, and observe traces of ingenuity and skill gradually becoming more distinct. The impress of intelligence, and a growing persistence of purpose, is still more palpably unfolded in some of their colossal though rough attempts at architecture ; the eirde houses, the weems, and the chambered cairns, bear the unmistakable stamp of a people with a strong and definite determination, a people too, with glowing feelings and reverential sentiments, and a high respect for the memory of their departed kindred.

The hill forts, the vitrified forts, and the brochs, all bespeak a degree of skill, combined action, and organisation. The primitive boats, the island abodes erected with great labour upon the waters, clearly show the mental resource, and the daring spirit of the people. And before the close of this period, though we cannot tell how long, they had subjected the dog, the sheep, the goat, the ox, and that noble creature the horse, for we know they possessed herds of domesticated animals at the beginning of the Christian era. They had attained some knowledge of cereals, but agriculture was in its infancy, and little of the country was tilled.

In mechanical skill they were well advanced. They fought the Romans with iron swords in the first century, and brought their chariots drawn by horses into the battle field. A people who can command an army of horses and chariots to enter the field of battle are not to be despised ; the intelligence therein implied is considerable. First, the horse has to be taken and domesticated ; then the making of the chariot ; next

some kind of harness has to be made; and all the dexterity involved in managing them in the heat and conflict of a battle. This itself proclaims that the people of North Britain were not the mere savages which they are sometimes represented to be at the opening of our era. Barbarians they still were, but they had passed far beyond the stage of savagedom.

Regarding the social condition of the people, we cannot speak with much certainty. Probably this was their weakest point at the time of the Roman invasion. There is no reason to suppose that their political system was anything higher than the small clan, as we afterwards come to know it. That they were warlike, and brave, and capable of great endurance are facts well known, and need not be dwelt on here. In short, energy and intelligence were characteristic of the whole inhabitants.

Thus we have arrived at a comparative stage of advancement; rude as it is, several essential elements of civilisation are undoubtedly there. Having cleared the ground, and discovered where we are, we get a fair starting point. As we have yet more than a thousand years to drag through, ere we get anything but mere fragments of contemporary chronicles or history; not till the twelfth or thirteenth centuries when our records begin to be consecutive and reliable, can any other mode of narration be pursued. The stage already reached will relieve us from repetition. As it has been shown, the people of Scotland had metal and iron weapons and implements at the commencement of the Christian era; at the same time they possessed herds of domesticated animals; and they had exhibited considerable mechanical skill in various directions; henceforth these matters need not be reiterated.

Section V.

THE ROMAN PERIOD.

Although the Romans invaded Britain forty-five years before the Christian era, it was more than a hundred and twenty years later ere they carried their arms into Scotland. Before this, the southern parts of the island was brought under their sway. In the year A.D. 78, Agricola was appointed to the chief command in Britain, and in his third campaign he appears to have crossed the border and entered Scotland. The line of his progress is uncertain—probably he marched along the east coast to somewhere near Edinburgh. Here he encountered a warlike race, accustomed to strife and battles, who contested the advance of the legions with remarkable boldness, though unable to beat back the compact forces of the enemy.⁹⁹

The next year the general employed his army in bringing the inhabitants of the territory occupied by the Roman troops under subjection. The region from the Firths of Clyde and Forth seems to have been the scene of his operations. Agricola at once fixed on the point between the Clyde and Forth, as the most effective line of defence. In the fifth season, the Romans had several conflicts with the natives, and penetrated into districts before unknown to them.¹⁰⁰

The inhabitants everywhere made a vigorous resistance, and rumours reached the ear of Agricola that the Caledonians were organising a great confederacy to drive out the invaders.¹⁰¹ The third year of the war in Scotland, the General determined to march northwards and attack the Caledonians within their

⁹⁹ *Mon. Hist. Brit.*, pp. 44, 45. Chambers's *Caledonia*, Vol. I., pp. 103, 104. In a note, Chambers says that Agricola entered North Britain by marching along the west coast.

¹⁰⁰ *Mon. Hist. Brit.*, p. 45.

¹⁰¹ This is the earliest mention of the name Caledonians, and Tacitus applies it to the people north of the Forth.

own strongholds. He appears to have advanced by the east coast. The historian says the barbarians were almost driven to despair; yet they still resolved to resist, and by a sudden attack on one of the stations, shook the confidence of the leaders of the Roman army, and some counselled an immediate retreat behind their line of forts. Agricola disposed his army, and moved it in three divisions, but not far apart from each other.

On a memorable night, one of the divisions, the ninth legion, was attacked. The Caledonians fought their way through the guards and ramparts, into the heart of the Roman camp; but Agricola himself came to the rescue; and when day dawned, the barbarians had to fight the ninth legion on the one hand, and the reinforcement on the other. The real struggle was at the gates of the camp, where those who had entered were fighting their way out. The Romans were victorious, and the Caledonians retreated under cover of the marshes and forests.¹⁰²

But they were not at all cowed; and it became known to the Romans, as the season passed, that they were combining from various parts to strike a blow, and removing their wives and children to a place of safety. Thus matters stood when winter came on.¹⁰³

In the fourth year of the war in Scotland, the Roman army moved to a place which the historian called Mons Grampius, and there they found the Caledonians, 30,000 strong, prepared for battle. The locality of this Mons Grampius is uncertain,¹⁰⁴ but the Caledonians were represented as occupying a rising ground thence extending into the plain.

¹⁰² *Mon. Hist. Brit.*, p. 45.

¹⁰³ *Ibid.*, p. 45. Chambers's *Caledonia*, Vol. I., p. 111.

¹⁰⁴ There are various conflicting theories about the position of the battle. Chambers, it is well known, placed it at the camp of Ardoch, while others place it in Fife, and lately a favourite theory placed it at Urie in Kincardineshire. Dr. Burton abandons the attempt to fix the locality of the battle as hopeless, and here I follow him.

Dr. Skene places it "On the peninsula formed by the junction of the Isla

It was the fashion with historians then, and long after, to make the leaders of contending armies deliver speeches to their troops on the eve of a battle. So Galgacus, the leader of the Caledonians, is represented as making a great speech to his men. It is a document worthy of attention, not of course for its application to the Caledonian leader, but as a protest against the cruel system of Roman conquest and domination. It is highly honourable to Tacitus, who had the spirit and honesty to throw it in the teeth of his countrymen. He makes the barbarian chief speak out with an eloquence, vehemence, and seething invective never surpassed. "When I reflect on the causes of the war, and the circumstances of our position, I feel a strong persuasion that our united efforts this day will prove the beginning of universal liberty to Britain. For we are all undebased by slavery, and there is no land behind us ; nor does even the sea afford a refuge, whilst the Roman fleet hovers around. Thus the use of arms, at all times honourable to the brave, now offers the only safety even to cowards. In all the battles yet fought with varying success against the Romans, our countrymen may be deemed to have reposed their final hope in us ; for we, the noblest sons of Britain, and therefore stationed in its last recesses, far from the view of servile shores, have preserved even our eyes unpolluted by the contact of subjection. We at the furthest limits, both of land and liberty, have been defended to this day by the remoteness of our situation and our fame. The extremity of Britain is now disclosed, and whatever is unknown becomes an object of magnitude. But there is no nation behind us ; nothing but waves and rocks, and the still more hostile Romans, whose arrogance we cannot escape by

with the Tay, are the remains of a strong massive vallum called the Cleaven Dyke, extending from the one river to the other, with a small Roman fort at one end, and enclosing a large triangular space capable of containing Agricola's whole troops. Guarded by a rampart in front, and by a river on each side." *Celtic Scotland*, Vol. I., pp. 52, 53. In this neighbourhood, he concludes the battle was fought. He thinks it answers better to Tacitus' description than any other place in Scotland. The point, however, is of comparatively little importance.

cringing and submission. Those plunderers of the world, after exhausting the land by their devastations, are rifling the ocean, stimulated by avarice, if their enemy be rich; by ambition, if poor; unsatiated by the east and by the west, the only people who behold wealth and indigence with equal avidity. To ravage, to slaughter, to usurp under false titles, they call empire; and where they make a desert, they call it peace!

“Our children and relations, by the appointment of nature, are rendered the dearest of all things to us. These are torn away by levies to serve in foreign lands. Our wives and sisters, though they should escape the violation of hostile force, are polluted under the names of friendship and hospitality. Our estates and possessions are consumed in tributes, our grain in contributions; even our bodies are worn down, amidst stripes and insults, in clearing woods and drying marshes. Wretches born in slavery are once bought, and afterwards maintained by their masters: Britain every day buys, and every day feeds, her own servitude. And as among domestic slaves every newcomer serves for the derision of his fellows, so, in this ancient household of the world, we, as the newest and vilest, are sought out to destruction. For we have neither cultivated lands, nor mines, nor harbours which can induce them to preserve us for our labours. The valour and unsubmitting spirit of subjects only render them more obnoxious to their masters; while remoteness and secrecy of position itself, in proportion as it conduces to security, tends to inspire suspicion. Since, then, all hopes of mercy are vain, let those at length assume courage, to whom safety, as well as to whom glory, is dear. The Trinobantes, even under a female leader, had force enough to burn a colony and storm camps; if success had not damped their vigour, would have been able entirely to throw off the yoke; and shall not we, untouched, unsubdued, and struggling, not for the acquisition, but for the security of liberty, show at the very first onset what men Caledonia has reserved for her defence? Can you imagine that the Romans

are as brave in war as they are licentious in peace? Acquiring renown from our dissensions, they convert the faults of their enemies to the glory of their own army. An army compounded of the most different nations, which, as success alone has kept together, misfortune will certainly dissipate; unless, indeed, you can suppose that Gauls and Germans, and even Britons, who, though they expend their blood to establish a foreign dominion, have been longer its foes than its subjects, will be retained by loyalty and affection! No, terror and dread alone are their weak bonds of attachment, which, once broken, they who cease to fear will begin to hate. Every incitement to victory is on our side. The Romans have no wives to animate them, no parents to upbraid their flight. Most of them have either no home, or a distant one. Few in number, ignorant of the country, looking around in silent horror at woods, seas, and a heaven itself unknown to them, they are delivered by the gods, as it were, imprisoned and bound, into our hands.

“Be not terrified with an idle show, and the glitter of silver and gold, which can neither protect nor wound. In the very ranks of the enemy we shall find our own bands. The Britons will acknowledge their own cause. The Gauls will recollect their former liberty. The rest of the Germans will desert them, as the Usipii have lately done. Nor is there anything formidable behind them. Ungarrisoned towns, colonies of old men, municipal towns, distempered and distracted between unjust masters and ill-obeying subjects. There is a general; here an army. There tributes, mines, and all the train of punishments inflicted on slaves, which, whether to bear eternally, or instantly to revenge, this field must determine. March, then, to battle, and think of your ancestors and think of your posterity.”

The Roman general, afraid of being outflanked, stretched his line to the utmost. The centre and front consisted of 8000 auxiliaries, and among them some Romanised Britons from the south; the legions were held in reserve. The Caledonians

are described as moving about furiously with chariots on the ground between the two camps. While the fighting was with missiles, the Caledonians stood their ground: but Agricola sent up five cohorts to charge them with the gladius. For this sort of weapon the barbarians were unprepared, and they were driven back; while other cohorts were moved up and pressed on them. Though the Caledonian chariots routed the Roman cavalry, when they attacked the infantry, the chariots got entangled in the broken ground, and a complete defeat ensued. Many were slain in the retreat. Ten thousand, according to the historian, fell on the side of the barbarians; but only 350 of the Romans. Next day all was quiet, and the country might be regarded as annexed to the Empire.¹⁰⁵

But it seems the Roman general did not pursue the Caledonians far, nor penetrate the country to the north of the Tay. After the battle he led his army back southward into winter quarters.¹⁰⁶ Shortly afterwards he was recalled to Rome.

This is the most distinct account of the doings of the Romans in Scotland which has come down to us; and though they maintained an armed occupation of a portion of the country for about three centuries, they effected extremely little in the way of subduing the northern tribes, or to induce an abiding impression on the inhabitants. From the vague notices of their historians, it may be gathered that the Roman troops had an incessant struggle with the northern barbarians.¹⁰⁷ Everything connected with the Roman invasion of Scotland has been so exhaustively handled, again and again, it would be superfluous to dwell on it.

¹⁰⁵ *Mon. Hist. Brit.*, pp. 46, 47, 48.

¹⁰⁶ Chambers's *Caledonia*, Vol. I., p. 113. The position which Dr. Skene assigns to the battle of Mons Grampius, places the Roman army to the north of the Tay. *Celtic Scotland*, Vol. I., p. 54. He supposes Agricola to have pushed some distance northward of the Tay; as he speaks of him after the battle recrossing the Tay, and leading his army into the country, which had been before overrun, p. 56.

¹⁰⁷ *Mon. Hist. Brit.*, pp. 60, 62, 63, 64, 75, 76, 82, and Burton's *History of Scotland*, Vol. I.

About 40 years after Agricola's success, the border counties and the Lothians were hardly within the Empire. The Emperor Hadrian built a wall from the Tyne to the Solway Firth about 120. Whether Hadrian completed this wall is a matter of dispute, to my purpose of little importance; that he began it is undoubted.¹⁰⁸ It was erected to protect the British part of the Roman Empire from the inhabitants of what is now modern Scotland; and its strength therefore may be taken as an indication of what Rome dreaded from the barbarians beyond the wall.

This memorable monument of Roman skill and military engineering and perseverance consisted of a stone wall, nearly 40 miles long, and strengthened at intervals by towers and forts. The remains of the stone wall itself vary between 6 and 7 feet in breadth, built of square hewed blocks of freestone. There is no means of gauging its exact height, but in the 16th century some portions of it was 16 feet high. Altogether, it was the greatest memorial that the Romans left in the island.¹⁰⁹

Some twenty years later the Romans raised another wall. It commenced near Blackness on the Forth, and crossed the country to the Clyde,¹¹⁰ and probably it ran on the line marked by Agricola as the most effective for keeping the northern barbarians at bay. Long afterwards it became the natural line of contest between the south and the north. Throughout the history of Scotland many battles were fought there; "the passage of the Forth," in after times, was a well-known expression.

This wall was made of the materials found readiest at hand, whether turf or stone: not like the other one, regularly built of stone. Still it was a great work, and a barrier of immense strength in its day. A paved military road followed the line of

¹⁰⁸ *Mon. Hist. Brit.*, pp. 64, 65.

¹⁰⁹ Burton's *History of Scotland*, Vol. I., pp. 19-22. This historian gives a very interesting account of the Roman wall.

¹¹⁰ *Mon. Hist. Brit.*, p. 65.

the wall, and at intervals, on the most commanding positions, there were placed 18 forts.¹¹¹ These works, and their vestiges yet to be seen, impress us with the idea that the Romans must have felt the tribes of Northern Britain to be a numerous and powerful race. The works themselves bear ample testimony to the persistent resistance of the unsubdued inhabitants, and leave no doubt that they were a bold, brave, and vigorous people, determined to contest every inch of ground.

It was this strip of territory between the two walls that the Romans occupied in Scotland; and even there they were never long allowed to hold undisputed possession. About the middle of the 4th century the aspect of the conflict had changed; Rome itself was fast verging towards dissolution, and the Romanised Britons of the south were being left to their own resources. But the struggle with the independent and active barbarians beyond the walls was too hard for them. Roman civilisation had only consumed their hearts' blood, and debased and enfeebled them.¹¹²

Amid the surging waves of the breaking up of the Empire, the historians of the time could not be expected to attend to the disturbances in a remote corner, when great scenes nearer home, and momentous issues close at hand, were pressing more and more on their attention. It would be interesting if we could find any indication of Christianity among the inhabitants between the walls in the 4th century. There are few reliable materials for ascertaining how far the Christian faith had been planted among the Romanised Britons, and none concerning its progress among the tribes beyond the walls earlier than the opening of the fifth century.¹¹³ St. Ninian is the first apostle of the gospel in Southern Scotland that we get hold of, about the commencement of the 5th century.¹¹⁴

¹¹¹ Roy's *Military Antiquities*. Chambers's *Caledonia*, Vol. I., pp. 116-119.

¹¹² *Mon. Hist. Brit.*, pp. 73, 74, 82.

¹¹³ *Ibid.*, pp. 94, 95. Grub's *Ecclesiastical History of Scotland*, Vol. I., p. 2.

¹¹⁴ *Historians of Scotland*, Vol. V., p. 26. Introduction. It seems probable that there were Christians among the Romanised Britons in the fourth century, though they had as yet made little impression on the mass of the inhabitants.

The disorder of the Roman Empire went on increasing in all quarters. In Britain, towards the end of the 4th century, the Picts and other tribes were incessantly harrassing the Romanised population. Constantine passed over to Gaul, 407, taking along with him all the available forces in the island. Henceforth the Imperial Government had nothing to do with Scotland. Thus it was that the unhappy and helpless Britons were told, with shameful irony, to defend themselves.

Much has been written on the causes of the collapse of Rome. Some ascribe it to the hordes of barbarians rankling on its outlying provinces, and eventually overrunning it; others speak of aristocracy and democracy and imperialism as accelerating its decay; a few glibly insinuate that Christianity undermined it. But the principal causes of its fall may be briefly indicated thus:—The Roman scheme of life was too military in its base, and throughout defective; so the increase of wealth and dominion, a cold iron morality,¹¹⁵ and no animating spirit of industry among the people proved fatal. For there, as almost everywhere, the class of slaves was numerous; and were the chief labourers in the community, and a constant source of weakness and rottenness in the internal government. From the inevitable action of these elements, and its inherent corruption, the vast fabric burst asunder, to rise no more. It is not the form of a government that preserves the permanency of an empire; much more important is an intelligent, moral, and industrious spirit pervading the people. This, coupled with a genuine love of freedom, constitutes the true greatness of a nation, securing happiness and progress; and unless it is imbued with these, no real advancement can be attained. The Romans, even in their best days, had little moral sympathy; as their conquests and

¹¹⁵ On the permission of abortion and infanticide among the Romans, see Lecky's *History of European Morals*, Vol. II., pp. 22, 29. Touching the gladiatorial games, see *Ibid.*, Vol. I., p. 284; Vol. II., pp. 36, 37. Also Pike's *History of Crime in England*, Vol. I., pp. 12-14, 20.

riches expanded, they grew more invidious and insatiable,¹¹⁶ falling off in the highest virtue they ever enjoyed—military discipline. And in Rome, the head and centre of the government, factions arose, ambitious individuals aspiring to obtain power. At last their contests produced tumults, anarchy, and civil war in the city, instead of the regular assemblies of the people. The grasping leaders divided the citizens into hostile parties, engaging in deadly conflict with one another, spreading suffering and destruction on every side. Even in the province of Britain the generals frequently set up as emperors, and forthwith aimed at the purple and universal sway, crossing the Channel with their host to meet some other scheming tyrant, shedding blood like streams of water, and making a desert to call it peace.¹¹⁷ Thus the very soul of the imposing structure was consumed, and when pressure arose in the distant provinces of this huge organisation, the mighty empire, already shaken at its core, was unable to make effective resistance to its enemies. As a natural consequence, it declined and crumbled to dust, leaving behind it only a few imperishable monuments as the record of its departed greatness, for the instruction of succeeding ages.

¹¹⁶ Tacitus' *Agricola*. *Mon. Hist. Brit.*, p. 46. I say nothing about the extreme cruelty which they sometimes inflicted on those who opposed them.

¹¹⁷ *Mon. Hist. Brit.*, pp. 53, 62, 63, 66, 67, 68, 69, 70, 75, 79, 80, 82, 83. In the first few years of the fifth century, the local army in Britain set up three Roman Emperors—Marcus, Gratian, and Constantine. The last as stated in the text, passed across the Channel with his army, and left Britain utterly undefended. But long before that time several of the Generals in Britain set up for themselves, as recorded in the passage above referred to.

I am aware that my view of Roman civilisation, as a whole, runs contrary to that which is generally held. I regret this, but what I deem the truth, and essential to the right comprehension of the causes of the decline and fall of Empires and Nations must be energetically insisted on.

Section VI.

THE POSITION OF THE CHIEF TRIBES FROM THE FIFTH CENTURY TO THE MIDDLE OF THE NINTH.

The tribes known to the Romans as the Caledonians were substantially the same as those afterwards called the Picts. They were first called Picts by Eumenius the orator, in a panegyric on Constantine, 297; and under this name they were mentioned, along with the Scots and Saxons, attacking the Roman province, 360; and the Picts and Scots were represented as continuing their assaults to the close of the Roman occupation of the Island.¹¹⁸ It seems the two tribes acted together when attacking the Romanized Britons; and it is pretty clear the Picts were a part of the Celtic race. But whether they were more related to the Cymric than the Gaelic branch of the stock, is a point which I cannot determine,¹¹⁹ when so many historians have differed on the subject, and in spite of the ponderous learning and animated arguments, it is still enveloped in mist. If we are not content to regard the Picts as a branch of the Celtic race and a tribe of the early inhabitants of Britain, we can never get out of the mist.

Instead of considering it paramountly important to fix all the affinities and peculiarities of the tribes then contesting the woods, heathy mountains, and rugged glens, it is enough that there were men and women inhabiting the country; inasmuch as there is little reason to suppose that one clan very far exceeded another in energy and organisation; and their condition as a whole has already been indicated, and the multipli-

¹¹⁸ *Mon. Hist. Brit.*, pp. 69, 73, 74, 75.

¹¹⁹ *The Four Ancient Books of Wales*. Dr. Skene's Introduction (Chap. 6, 7, 8, 9). "It is perfectly possible that the Picts may have been nearly allied, both in race and language, with either the Britons or the Scots who conquered them; and that they may have remained as an element in the population, and their language as the *patois* of a district, long after the days of Henry of Huntingdon, in a country in which both Scot and Briton entered so largely into the population." (*Ibid.*, p. 119.)

cation of distinctions founded on fanciful conjectures can add nothing to historical knowledge.

The Picts seem to have consisted of various tribes partially united.¹²⁰ Their imperfect political union was called into greater activity, and probably strengthened by the long struggle with the Roman power. This union, however, never attained a complete form among the Pictish tribes.

After the departure of the Romans, hardly anything is known of the Picts for more than a century. It is said the southern Picts were converted to Christianity early in the fifth century; but in the days of St. Ninian, there is much uncertainty about the locality of these Picts.¹²¹ It is conjectured that the Pictish monarchy was founded in the middle of the fifth century, and in the latter half of the next, St. Columba converted Brude, the Pictish king, at his dun on the river Ness.¹²²

The territorial dominion of the Picts included the whole of Scotland north of the Firths of Forth and Clyde, excepting the district lying to the north of the Clyde, called Darliada, and occupied by the Scots. They were separated from each other by Drumalban, the Dorsal mountains of Britain.¹²³ This lofty

¹²⁰ *The Four Ancient Books of Wales*, p. 116.

¹²¹ *Historians of Scotland*, Vol. V. Lives of St. Ninian and St. Mungo. It is difficult to extract any definite information from such statements as this:—“Meanwhile the most blessed man, St. Ninian, being pained that the devil, driven forth from the earth within the ocean, should find rest for himself in a corner of this Island in the heart of the Picts, girding himself as a strong wrestler to cast out his tyranny; taking, moreover, the shield of faith, the helmet of salvation, the breastplate of charity, and the sword of the Spirit, which is the Word. Fortified by such arms, and surrounded by the society of his holy brethren as by a heavenly host, he invaded the empire of the strong man armed with the purpose of securing from his power innumerable victims of his captivity, wherefore attacking the Southern Picts, whom still the Gentile error which clung to them induced to reverence and worship deaf and dumb idols, he taught them the truth of the Gospel and the purity of the Christian faith, God working with him, and confirmed the Word with signs following.” (Pp. 14, 15. For a commentary on the point, see pp. 274-281.)

¹²² *Chronicles of the Picts and Scots*, Pref., pp. 105, 106. *Historians of Scotland*, Vol. VI., pp. 28, 59-61. *Book of Deer*, Pref., p. 147.

¹²³ *Hist. Scotland*, Vol. VI., pp. 25, 56, 71, 77, 87, 258.

chain forms, as it were, the backbone of Scotland, dividing the waters flowing into the east and west seas, separating the western seaboard from the eastern districts of the country, and now separates the counties of Argyle and Perth. Southward of the Forth, in Galloway, the under population were Picts, and their descendants are there to this day.¹²⁴

Throughout their history, the Picts seem to have been divided into two tribes; and eventually they were distinguished as the Southern and Northern Picts. To the north of the great mountain range, in early times called the Mounth, which extends from Ben Nevis to near the east coast between Aberdeen and Stonehaven, the country northward of this from sea to sea belonged to the Northern Picts; and the Southern Picts held the region thence extending to the Forth.¹²⁵

It would be tedious to enter into the details of doubtful battles, and the succession of a long line of kings. Meanwhile it will be best to point out the relative position of the other tribes, and when all are before us, something may be drawn from their doings and contests.

When the Romans left the Island, the Romanised Britons were so highly civilised that they were unable to protect themselves. Roman civilisation had refined them to a state of utter helplessness.¹²⁶ The Picts and Scots continually tormented and robbed them; and finally the Saxons subdued and overran the better part of England.¹²⁷ Indeed it is recorded that some of the Romanised Britons in the south of England fled to the caves and rocks for refuge, and lived there a considerable time.¹²⁸

The tribes occupying that part of the country included in

¹²⁴ *Chronicles of the Picts and Scots*, Pref., 107, 108. Dr. Skene's *Celtic Scot.*, Vol. I., p. 228. *Memoirs of the Anthro. Society of London*, Vol. III., pp. 420, 421; 541, 542, 550, 551, 555.

¹²⁵ Dr. Skene's *Celtic Scot.*, Vol. I., pp. 230, 231.

¹²⁶ *Mon. Hist. Brit. Gildea*, pp. 10-13.

¹²⁷ *Ibid.*, p. 62, and p. 298, *et seq.*

¹²⁸ W. B. Dawkin's *Cave Hunting*, pp. 102-111.

modern Scotland which was subdued and somewhat Romanised, formed the small kingdom of Strathclyde ; when they were cut off from their countrymen, the Britons of the south, by the steady encroachment of the Saxons. This kingdom of the Britons comprised the greater part of the shires of Dumbarton, Stirling, Ayr, Renfrew, and Lanark, the districts lying partly between the two Roman walls. They were exposed to the incessant attacks of the other tribes around them ; the Saxons from the south, and the Picts and Scots from the north and west. It is clear their connection with the Romans had not improved the Britons ; they came from under the wings of their masters an enfeebled race. They seem to have struggled hard, however, to protect themselves. And their kingdom existed in a precarious state, and from 908, merely in a nominal independence till the beginning of the eleventh century, when it was finally absorbed into the rest of Scotland.¹²⁹

It is pretty certain the Britons of Strathclyde soon ceased to have any Roman institutions ; and the vaunted civilisation of the proud empire counts little among the elements of our national progress. Doubtless, other and much fresher forces swiftly discarded the Roman routine. This has been greatly deplored,¹³⁰ though without reason ; since it was better to have a chance of freedom, than be subjected to eternal slavery.

¹²⁹ W. E. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 16, 18, 19, 54. *Chronicles of the Picts and Scots*, Pref., pp. 94, 95.

¹³⁰ " Could the world have been united under her tolerant sway, the whole world might have become like herself, and the progress of mankind would not have been retarded when the sceptre fell from her grasp. But with every new conquest she incurred a new danger ; for what she first asserted was not her superiority in mind, but her superiority in brute force. The first art which she taught her new subjects was the art of war, and they in turn taught it to their comrades beyond the border. Could their education have been completed Rome might never have fallen. Christianity might long ago have been, in one form or other, the religion of every quarter of the globe, and the inventions of the eighteenth century might have been anticipated in the seventh or eighth, and the nineteenth century itself might have been a happier time for mankind, than mankind can ever hope to enjoy in the thirtieth." *A History of Crime in England*, by L. O. Pike, Vol. I., pp. 8, 9. 1873.

These reflections are all in the air. Mr. Pike holds too high ideas of Roman

As mentioned in a foregoing page, the Saxons had overrun the greater part of England, and probably they invaded southern Scotland in the later half of the fifth century. Before the middle of the next they had established themselves in Lothian. The Saxons pressed severely on the Britons between the walls ; and extended their conquests around, even into the lands of the Picts.¹²¹ In 685, Ecgfrid their king attempted a bold stroke, crossed the Tay, and penetrated into the heart of the Pictish territory. But on the 20th of May, at Dunnichen, in a narrow passage of the Sidlaw hills, a great battle was fought, and the

civilisation. Writers of the legal class become enchanted by the surpassing completeness of the Roman Codes, and their judgments is thereby warped on the higher points in which the Roman character was so wretchedly defective. Why they excelled in law-making is easily understood ; it involved no great genius, or even great intellect. As their empire extended, the circumstances arose which demanded above everything a compact organisation, and consequently an elaborate system of laws. This was a requisite of their position ; hence their jurisprudence was naturally and gradually developed by the internal conditions of Roman society. There is nothing wonderful in it. After all it is not so complete. In the department of criminal law, the Roman system is singularly crude, varying, and undeveloped. On this point, there is a sensible note in the first volume of *Mommsen's History of Rome*, pp. 449, 450. English translation, 1862. See also *Maine's Early History of Institutions*, pp. 308, 309.

But on the comparative value of Roman civilisation take this—"At the accession of Henry the Seventh, which is usually regarded as the time when the dark ages came to an end, and when our modern civilisation began, nearly eleven hundred years had passed since the Romans left Britain to her own internal quarrels, and to the inroads of pagan pirates whose chieftains could not write, and despised the effeminacy of men who could. From the time when the marauders crossed the German ocean had established their supremacy, and given the name of England to the southern portion of the island, there had been many customs and many habits of thought which the long centuries had been unable to soften, or even to change. And thus when the first Tudor ascended the throne there was less security for life and property, less love of art and letters, less of all that culture without which civilisation cannot exist, than there had been when the last legion embarked for Rome." *Pike's History of Crime in England*, Vol. I., p. 417.

It is easy to make such assertions, and it is difficult to disprove them. The misconception which runs throughout this writer's ideas, lies in the assumption that Roman civilisation was sound—a system embodying all the essential elements of civilisation—instead of looking at it in its true light, as a morally defective system, which was exhausted and utterly played out.

¹²¹ *Chronicles of the Picts and Scots*, pp. 12, 13 ; and Pref., pp. 117, 118.

Saxons met with a crushing defeat. Their king himself fell, and the body of his army perished on the field. This victory expelled the Saxons from the country of the Picts,¹³² and henceforth the territory between the Tay and Forth was severed from the influence that would have made it a part of England.

The decisive results of the battle were seen in the flight of the Saxon clergy and monks from their chief seat at Abercorn near the Forth; thence they removed for safety to Yorkshire.¹³³ Among the long lists of battles of the period, this one comes distinctly out by leaving territorial results.

But the population south of the Forth in Lothian, where the Saxons had been long settled, remained essentially Saxon. Throughout all the succeeding conflicts and changes in this district, it is certain the body of the inhabitants were always Saxon in speech and customs. That they absorbed and superseded the Celtic inhabitants of the region at this early period, has often been forgotten or altogether ignored. The persistent continuance and spread of a vigorous race is not dependent on the fate of a king or military leader, nor the issue of a few battles. This racial movement was too fresh and strong to suffer arrestment from the fall of kings, thrones, or dynasties; history has unmistakably shown it capable of rising far above all such trumpeted and glittering contingencies.

The Scots who figure often in our early history came from Ireland. The community of race and nearness of position, may have induced them to seek a home in this land. We have seen they were mentioned as one of the assailants of the Roman province in Britain; and parties of them seem to have come and gone at different times. The date of their final settlement in the west of Scotland is well ascertained, close to the end of the fifth or the opening of the sixth century. The year 503 is usually stated as the era of the commencement of the reign of their first king in Argyleshire. Thus far there is no dispute.

¹³² *Chronicles of the Picts and Scots*, pp. 72, 851; *Bede*, B. 4, ch. 26.

¹³³ *Bede*, B. 4, ch. 26.

But to trace the line of the successive kings or chiefs of this small principality is altogether beyond my compass and aim. Indeed little of their history is known prior to the foundation of the monarchy in the middle of the ninth century. Though it is evident they had not extended their territory much beyond the limits of Argyleshire and the islands, during the first three hundred years of their life there.¹³⁴

The Irish Scots consisted of the three sons of Ere—Lorn, Fergus, and Angus—three or four tribes, in short, who frequently fought among themselves; and, besides, they often came into collision with the Britons, and encountered the Saxons. From 736 to the beginning of the next century, they were partly, if not wholly, subject to the Picts.¹³⁵

It is supposed that the Irish were already Christians when they settled in the west of Scotland, at the beginning of the 6th century.¹³⁶ That they had a literary language, and a written literature in their own tongue; that they were in a higher stage of civilisation than the Picts, the Britons, and the Saxons; and, consequently, this was the cause of their success in Scotland. These points are stoutly maintained by our latest historian.¹³⁷

But granting that there was a written literature in Ireland itself, still, it may be doubted if any of the immigrants who arrived in Argyleshire at the opening of the 6th century, could read or write in Celtic. It is an easy way of explaining difficulties to assume that they could, and that, compared with their neighbours, they were a learned people. It is, however, rather disappointing to find a historian, after discarding so many fables, again adopting new ones of his own; for there is no evidence that the Irish tribes who settled in Scotland had a

¹³⁴ *Chronicles of the Picts and Scots*, pp. 18, 66. Readers who desire to see writing about the Irish Scots, will find it in Chambers's *Caledonia*, and the first volume of Skene's *Celtic Scotland*.

¹³⁵ *Chronicles of the Picts and Scots*, pp. 75, 76, 357. W. E. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 14, 15; Vol. II., pp. 371, 372.

¹³⁶ Grub's *Ecclesiastical History of Scotland*, Vol. I., pp. 43, 44.

¹³⁷ Burton's *History of Scotland*, Vol. I., pp. 214, 319, 330-335.

written literature in their own dialect at this early period, nor for centuries later, and nothing is gained by crediting them with it. Anything which may have been written in Scotland was in a sort of Latin. Even in Ireland itself, Latin was the most common of the two.¹³⁸

The Irish Scots, in a few points of etiquette, may have been in advance of their neighbours; still, this was confined to a fraction of the community; the mass of the tribe were not refined. It is the simplest thing in the world to conjure up a phantom of antiquity and indue it with a host of virtues, and a halo of glory; but this can never promote historical truth. Little is known of the state of society, except that it was rather rough, from end to end of the Island.

There is another race that had a marked influence on Scotland—the Danes, or, as they were sometimes called, the Norsemen. They began to infest the islands and coasts about the close of the 8th century. They struck the first blow among the Western Islands, and are mentioned here to complete the elements of conflict which raged in Scotland during the next three centuries.

¹³⁸ Dr. Todd's *St. Patrick*, pp. 346-351, 391-399, 506-513; and the *Ancient Laws of Ireland*, 3 vols., 1865-73. Preface to the first volume, pp. 8-12, *et seq.*, and the preface to the second volume, but especially the general preface to the third volume, pp. 148-163. I can find no satisfactory evidence of Gaelic writing in Ireland before the introduction of Christianity. I do not say that none existed, because I do not profess to have an exhaustive knowledge of the matter; but this much I emphatically affirm, that in Ireland, and everywhere else, prior to the introduction of printing, it was only an extremely small fraction of the people who could either read or write, or appreciate the distinction between a literary language and the dialect of their own district. To suppose anything else is just the old story—we throw back the ideas of our own time into periods when the circumstances exclude the possibility of their existence. Besides the works referred to, see Maine's *Early History of Institutions*, pp. 12-17; and the introduction to the Dean of Lismore's book, p. 71, *et seq.*; J. F. Campbell's *Popular Tales of the West Highlands*, Vol. IV., p. 15, *et seq.*

Another very common misconception is involved in the supposition that a man who cannot read and write must be an ignorant being. This is not always the case. I have known men who could neither read nor write, who were very intelligent, and could converse in two languages, and speak English better than ever I could.

At this time the Picts were the chief power in Scotland ; but, like the Scots of Argyle, they were divided among themselves. We have seen they were distinguished as the southern and northern Picts, and there was, probably, smaller divisions within each. The Picts were rather living in a rude confederacy, than under a fixed monarchy ; and, besides the domestic feuds and broils incident to tribal communities, the Britons, Picts, Saxons, Scots, and finally the Danes, carried on an intermissive warfare with one another, often showing little result. Throughout the seventh and eighth centuries, the first four tribes frequently met in deadly conflict on a sort of debatable land, extending from the river Forth to the river Almond, in the counties of Stirling and Linlithgow. This region seems to have been occupied by a mixed population of Picts, Angles, and Britons ; and here the chief tribes encountered each other, and fought most of their battles.¹³⁹ This struggle between the different tribes in Scotland continued until a pretty complete nationality arose, and the distinction of Highlander and Lowlander alone remained.

It is far more difficult to form a nation than to raise an empire. Mere force cannot produce it. It is not the offspring of a day, or a single generation. Apart from essential affinities, it must have time to grow into a reality. In ancient times, excepting the Hebrews and Greeks, there was hardly a nationality formed, though there were many empires. The Romans erected an imposing fabric, but it was not national ; it was military, and bound together by force, instead of mutual feeling, sympathy, and the concurrent influences which constitute a nationality. Hence this vast structure fell an easy prey to its enemies ; but once a genuine nationality is evolved, it is not so easily subdued.

In 839 the Danes invaded Pictland, and inflicted a crushing defeat on the Picts. The following year Kenneth M'Alpin succeeded to the small kingdom of the Scots, and two years

¹³⁹ *Chronicles of the Picts and Scots*, Preface, pp. 115-122.

later he ascended the throne of the Picts.¹⁴⁰ The causes of this revolution are obscure; but the defeat of the Picts by the Danes must have facilitated the accession of a king of Scottish descent; and the natural outcome of the long struggle among the various tribes, which we dimly discern through the mist, had a tendency towards a greater concentration of power somewhere—one or other of the chief tribes would gradually obtain an ascendancy. It is to these circumstances we should look for an explanation of the foundation of the monarchy. Other explanations have been offered, such as royal marriages, the efforts of the Scots clergy, and so on,¹⁴¹ but none of them are satisfactory. It is safer, and probably nearer the truth, to rely on the accumulating force of the surrounding circumstances.

The actual kingdom to which M'Alpin succeeded was only a very limited part of modern Scotland. It comprised the districts now known as the shires of Perth, Fife, Stirling, Dumbarton, and Argyle, with Scone, the Mount of Belief, for its capital. The region between this and the river Spey was only gradually, and with infinite difficulty, overcome by the successors of Kenneth M'Alpin; while farther north, in the west and in the south, large tracts of country long after continued in a state little short of complete independence. Though the nucleus of the future monarchy was formed, the reigning ruler was still called King of the Picts, then King of Alban; and not till the 10th century was any part of Britain called Scotland. But after the beginning of the 11th century the name of Scotia, or Scotland, gradually came to be applied to the whole country.¹⁴²

¹⁴⁰ *Chronicles of the Picts and Scots*, pp. 8, 360.

¹⁴¹ Chambers's *Caledonia*, Vol. I., pp. 332, 333. *Historians of Scotland*, Fordun, Introduction, pp. 48, 49.

¹⁴² *Chronicles of the Picts and Scots*, pp. 9, 21, 65, 84, 97, 102, 184, 135, 154, 361, 362. W. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 23-39.

Section VII.

THE INTRODUCTION OF CHRISTIANITY.

Having indicated the position of the principal tribes of the country, as far as the indistinctness of the subject admitted, and pointed out the centre of the future monarchy, some account must now be given of the introduction of a new religion among them during this period.

The advent and spread of Christianity produced the greatest revolution recorded in the history of the world. Many corruptions were early engrafted upon it, the contagion of surrounding influences it could not escape, nor at once overcome all the rampant notions and feelings everywhere pervading society. Still, wherever it entered, it had a beneficial effect. The Christian religion is a prime element in the civilisation of Scotland, and throughout played an active part in its history. By this I mean, it is interwoven with the government, the institutions, the music, the literature, the amusements, and the whole life of the people ; from the cradle to the grave its influence operated. It is convenient, perhaps, to sink all this under the vague term superstition, as if that was a sufficient explanation of a large part of a nation's history. What has been in the world we only know imperfectly ; what may be the state of society in coming ages we can at best only surmise. But what we do know seems to lead to the conclusion that mankind must and will have a religion, whether we choose to call it a superstition or not. It is part of the indestructible nature of the race, and its extinction is as unlikely as the disappearance of the nervous system from the highest living organism.

There is a class of philosophers and historians who maintain that Christianity has rather retarded civilisation than advanced it in any way. But with the greatest respect to these gentlemen and their views, who doubtless are able, learned, and honest, I hazard a suggestion that many of them never came into conflict

with the real forces which actuate the great majority of mankind. Born in a comfortable home and brought up in easy circumstances, passing through the various grades of education, it may be, with all the honour which deserving merit commands, afterwards leading a smooth life, retiring to the library to read, think, and generalise, honestly enough perhaps, and finally spinning beautiful theories for the complete regeneration of humanity, without the aid of Christianity. We have too many of this class of thinkers, or rather some of them bawling madcaps. But the spread of education among the people will tend to produce a set of readers and thinkers, who will supplement and correct the deficiency of the all-embracing, yet exclusive, and, in point of fact, extremely superficial, philosophers.

It is said that Christianity was early introduced into Britain. Though with every effort to reach the truth, the mass of legends are hard to digest.¹⁴³ Among the Romanised inhabitants south of the Tweed there were Christians in the first half of the 4th century;¹⁴⁴ but if the gospel had extended to Scotland before the 5th, it was little known. St. Ninian is the first teacher of the new faith whose name has come down to us. We are told he was the son of a British prince, and educated in the Christian faith at Rome; and that he visited St. Martin at Tours, in France. For all this it is difficult to get hold of the doings of St. Ninian in Scotland.¹⁴⁵ His life was written by Ailred, a monk of the 12th century. But he gives a representation of the Church of his own time, rather than reliable information about the life and actions of St. Ninian. Bede, who lived nearer to the time of the saint, states that he converted the southern Picts, and built a church of stone, which was

¹⁴³ Grub's *Ecclesiastical History of Scotland*, Vol. I., ch. I., *et seq.* *Descriptive Catalogue of Materials Relating to the History of Britain*. T. D. Hardy. 1862. Vol. I. throughout,

¹⁴⁴ *Mon. Hist. Brit.*, pp. 95, 99.

¹⁴⁵ *Historians of Scotland*, Vol. V., pp. 6-10.

unusual among the Britons.¹⁴⁶ This church was in Galloway, at a spot called Whithern, and it grew into a monastery.¹⁴⁷

A few incidents will show what is to be found in the life of St. Ninian. One day when the saint and his brethren sat down to dinner, there were no pot herbs or vegetables on the table; he asked the reason of this, and was told all that remained of the leeks had that day been committed to the ground, and the garden had not yet produced anything fit for eating. Then the saint ordered the brother to whom the keeping of the garden was entrusted, to go and bring to him whatever he could find. Knowing that Ninian could order nothing in vain, he entered the garden, and behold! leeks and other kinds of herbs, not only grown, but bearing seed. He was astonished, and thought that he saw a vision. Finally, returning to himself, and recollecting the power of the holy man, he thanked God, and culled as much as seemed sufficient, and placed it on the table before the saint. The company looked at one another, and magnified God working in His saints.¹⁴⁸

St. Ninian is represented as restoring to sight a King of Strathclyde, on whom, in punishment for his pride and opposition to the saint, God had laid the burden of blindness. When thus subdued and healed again, the King became a fast friend to the saint, and a ready supporter of the servants of Christ.¹⁴⁹

Ninian probably died about 432, and he was buried at Whithern in his own church. We are assured by his biographer that the relics of the saint wrought many miracles; and at his tomb—"The sick are cured, the lepers are cleansed, the wicked are terrified, the blind receive their sight; by all which our Lord Jesus Christ, who liveth and reigneth with God the Father in the unity of the Holy Ghost. World without end.

¹⁴⁶ *Mon. Hist. Brit.*, pp. 175, 176.

¹⁴⁷ *Historians of Scotland*, Vol. V. ; Introduction, pp. 42, 43.

¹⁴⁸ *Ibid.*, p. 16.

¹⁴⁹ *Ibid.*, pp. 11, 12.

Amen.”¹⁵⁰ We know from later accounts that the tomb and relics of St. Ninian were venerated down to the Reformation.

The best evidence of the mission of St. Ninian in Scotland, and his place in the grateful remembrance of the people, is shown in the number of churches dedicated to his name. Churches were dedicated to him in 25 shires stretching from Wigton to Sutherland, but they are most numerous in Forfarshire and Ayrshire. In the Introduction to the *Life of St. Ninian*, the late Bishop of Brechin gives a list of upwards of 60 dedications, and calls it incomplete.¹⁵¹

It seems the southern Picts and the Strathclyde Britons were only partly converted by St. Ninian. If we remember the extreme difficulty the missionary of our own day meets when attempting to convert a rude heathen community, we cannot fail to see that it must have taken a long time to convert the motley tribes then inhabiting Scotland. It is clear, however, that the early teachers of Christianity in Britain and Ireland followed a readier and easier mode than the modern missionary. They allowed many of the old and existing notions of the people to remain intact, simply turning, or professing to turn, them to beneficial ends. This is the most natural way of accounting for their miracles; they were merely the counterparts of ideas and notions floating among the community. To suppose, as is sometimes done, that their miracles were invented for the purpose of enhancing the power and importance of the clergy, only exhibits a very defective appreciation of the operations of human nature. Doubtless the early teachers of Christianity in Scotland and elsewhere firmly believed in their power of working miracles. This belief was in their minds, or something very like it, before they became Christians. Thus, it was only a continuation and higher development of their former

¹⁵⁰ *Historians of Scotland*, Vol. V., pp. 23-26.

¹⁵¹ *Ibid.*, 13-19; Introduction. This genial writer had before supplied a list of St. Ninian's churches in his valuable calendar of the Scottish saints.

notions and feelings. We will come across curious and amusing illustrations of it almost to the end of our history.¹⁵²

About the middle of the 6th century, St. Kentigern, better known as St. Mungo, began his work among the Strathclyde Britons.¹⁵³ It appears he encountered many and great difficulties; both king and people sadly offended him. They were nearly all heathen together, and notwithstanding the energy of the saint and his working of miracles, when King Morken ascended the throne, he scorned and despised the life and doctrine of the man of God, publicly resisted him, esteeming all his works as nothing, and attributed his miraculous powers to magical illusion. The two came face to face, when the saint asked for some supplies of food to the brethren of the monastery; but the king spurned his petition, and only inflicted new injuries on him. He said to the saint ironically—"Cast thy care upon the Lord, and He will sustain thee, as thou hast often taught others, that they who fear God shall lack nothing, but that they who seek the Lord shall want no manner of thing that is good. Thus, therefore, though thou fearest God, and keepest His commandments, art in want of everything, even of thy necessary food, while to me, who neither seek the kingdom of God nor the righteousness thereof, all prosperous things are added, and plenty of all sorts smileth upon me." Finally he pressed upon the saint—"Thy faith therefore is vain, and thy

¹⁵² About 30 years ago, when I was a boy, along with an elder brother, tending the cattle of a wealthy farmer on the banks of the Deveron, Aberdeenshire, our master ordered my brother to cut rowan wood branches, and put pieces of them above every door about the farm. When we were thus engaged, I asked my brother what was the meaning of it. He smiled, and said it was to keep out the witches, which indeed was true. The same farmer caused us every year, early in the month of May, to collect straw and heather, carry it a short distance from the farm, and make a bonfire to burn the witches. These are things I have done with my own hands. The importance of such customs, and the notions and feelings which continued them, lies in the fact that they did not originate in Christian times. They are manifestly the survivals of the thought and feeling of the people in ages prior to the introduction of Christianity.

¹⁵³ *Chronicles of the Picts and Scots*, Pref., p. 154. *Historians of Scotland*, Vol. V., p. 370. Note.

teaching false." St. Kentigern pleaded that it was part of the inscrutable ways of God to afflict just and holy men by hunger and want in this life, and the wicked were exalted by wealth; that the poor were the real patrons of the rich, whose labour sustained and supported them, as the vines are supported by the elm. The king rose in a rage, and said—"What more desirest thou? If trusting in thy God, without human hand, thou can'st transfer to thy mansion all the corn that is kept in my barns and heaps, I yield with a glad mind and gift, and for the future will be devoutly obedient to thy requests."

When even came, the saint prayed earnestly to the Lord; in the fervency of his devotion the tears streamed from his eyes. Then, behold! the rain poured down, the waters of the Clyde began to swell, and rapidly rose into a flood. It overflowed its banks where the king's barns were, carrying them down the stream, and landed the whole at the saint's dwelling, beside the Mollindinor burn, which flows through Glasgow to join the Clyde.¹⁵⁴ But instead of this miracle mollifying the king, he became extremely furious, and belched forth many reproaches against the saint, calling him a magician and sorcerer. When he was in this mood, the saint again approached his presence. The king, in a rage, rushed upon him, struck him with his heel, and smote him to the ground upon his back.

The time had come to assert and show the divine power in an unmistakable way; judgment must go forth from the Lord on behalf of his injured servant. It was known that Cathen, the king's chief adviser, instigated and prompted the whole affair. Accordingly, shortly after mounting his horse to ride off, laughing loudly over the discomfiture of the saint, he had not gone far from the crowd when his prancing steed stumbled and fell, and Cathen, falling backwards, broke his neck and expired before the gate of his master, the king. The king himself was attacked by a swelling in his feet, which ended in

¹⁵⁴ *Historians of Scotland*, Vol. V., pp. 69, 70, and Note, p. 348.

his death, and the same disease pursued his family till they became extinct.¹⁵⁵

Notwithstanding St. Kentigern's victory over the king and his counsellor, he found it necessary to leave Strathclyde, and passed over to Wales where he laboured for many years.¹⁵⁶ Afterwards there was a King Rederech upon the throne of Strathclyde, who invited St. Kentigern to return, which he did, and spent the remaining years of his life in that region among the Britons. This time, if we could trust Joceline's account, the king honoured the saint, and in all things submitted to him.¹⁵⁷ St. Kentigern died about the beginning of the seventh century.¹⁵⁸

Besides being the local saint of Glasgow under the name of St. Mungo, he became widely known and revered in Scotland; and he also left his impress on the people of Cumberland and Wales.¹⁵⁹ His tomb and relics at Glasgow were objects of veneration down to the Reformation. Perhaps the great city of the West owes something of its early beginnings to the earthen rath and wattled church which St. Mungo raised on the banks of the Mollindinor burn, beside the old cemetery of St. Ninian.¹⁶⁰

We come now to the most renowned saint among those who introduced Christianity to the tribes of Scotland: the name of St. Columba is memorable in the early history of the church of our country—all recognise in him the features of a veritable hero. He was fortunate in having two of his successors as biographers, near enough his own time to give their accounts of the first Abbot of Iona a special value. We may regret that Adamnan's life of Columba offers so little information about

¹⁵⁵ *Historians of Scotland*, Vol. V., pp. 71, 72.

¹⁵⁶ *Ibid.*, p. 73, *et seq.*, and pp. 348-370, Notes.

¹⁵⁷ *Ibid.*, pp. 88-95.

¹⁵⁸ *Ibid.*, pp. 369, 370, Note.

¹⁵⁹ *Ibid.*, pp. 78-85, Introduction.

¹⁶⁰ *Ibid.*, pp. 118, 119, and Introduction, pp. 102, 103, 105.

the state of society in his time ; but we must recollect that it was intended for the instruction of his own age and contemporaries, not for the enlightenment of remote posterity. In full harmony, therefore, with the spirit of the class to whom he belonged, and the notions and feelings of the period, Adamnan makes "The Prophetic Revelations, the Miraculous Powers, and the Apparitions of Angels," the main themes of his life of Columba. Assuredly these were the things most interesting to the monks ; so it is only incidentally that any of the sublunary facts of the world of flesh and blood are introduced. Meagre, however, as the work is, from it we must draw almost everything we are ever likely to know about many of the customs and the notions then floating in the minds of the inhabitants of Scotland. It was written towards the end of the 7th century, the earliest authority of our country.

St. Columba was born at Gratan, in the county of Donegal in Ireland, on the 7th of December, 521. He was related to the royal families of Ireland, which may have given him advantages at the outset of his career. He received his education in Ireland ; and about the year 553, he founded the monastery of Durrow, his chief institution in his native country. In 561 the battle of Cooldrevny was fought, and it was believed to have been partly instigated by St. Columba ;¹⁶¹ and he had to leave the country in consequence. That Columba was involved in the political disputes of his countrymen there is no reason to doubt, it would have been singular if he had not ; but what effect this had on his future course of life it is difficult to determine. It does not appear that he left Ireland under any stigma ; indeed he frequently revisited it, and met everywhere with the highest respect and honour.¹⁶²

In 563, Columba in his forty-second year, embarked with twelve companions in a wicker boat covered with hides, and after touching at Islay, landed and settled on the small island of

¹⁶¹ *Historians of Scotland*, Vol. VI., pp. 33-36, Introduction.

¹⁶² *Ibid.*, pp. 36, 37, Introduction ; and *Life*, pp. 9, 35, 42.

Iona. This island seems to have been on the confines of the territories of the Scottish and Pictish tribes; and Connal, the king of the former, gifted it to Columba. Shortly after, the possession of Iona was recognised and fully confirmed by Brude, the king of the Picts.¹⁶³ Here St. Columba founded his monastery. As it lay on the outskirts of the dominions of the two chief tribes, it afforded a convenient centre for religious intercourse. The Scots were already nominally Christians, but the northern Picts were not. It was among the Picts that Columba mostly laboured; he often visited the mainland, and gained an influence over its kings and chiefs.¹⁶⁴

It is well-known that the Picts were a fierce race, living in a rugged and remarkably inaccessible country; and it may at once be admitted without any stretch of imagination, that Columba and his disciples would encounter many difficulties. The naive energy of the missionary spirit overcame all obstacles. In the year 565, Columba and some of his attendants sought out the Pictish king's rath on the banks of the River Ness. Brude in his pride had shut the gates against the holy man, but the saint, by the sign of the cross and knocking at it, caused it to fly open of its own accord. Columba and his companions then entered; the king with those around him advanced and met them, and received the saint with due respect, and ever after King Brude honoured him.¹⁶⁵

Columba and his disciples preached the gospel among the Picts, baptising them old and young—sometimes a whole family was baptised at once. But it is noticeable that Columba required an interpreter when instructing the Picts in the doctrines of Christianity.¹⁶⁶ This seems to show that their language,

¹⁶³ *Historians of Scotland*, Vol. VI., pp. 37, 38, Introduction.

¹⁶⁴ *Ibid.*, p. 37, *et seq.*, Introduction. Cunningham's *Church History of Scotland*, Vol. I., pp. 54, 55.

¹⁶⁵ *Historians of Scotland*, Vol. VI., p. 62, and pp. 276, 277; and *Mon. Hist. Brit.*, p. 176.

¹⁶⁶ *Historians of Scotland*, Vol. VI., pp. 25, 55, 58, 71, 87.

whatever it was, must have differed considerably from current Irish Gaelic. We know Columba founded monasteries among the Picts and in the Western Isles though we cannot tell the number established in his lifetime. The monasteries and churches dedicated to him are all numerous; indeed he is called the father and founder of monasteries.¹⁶⁷

As might be expected, there is no connected account of the conversion of the Picts in Adamnan's *Life of Columba*, from it we are enabled to realise the mode of working which the saint and his companions adopted. Every new settlement whether in the islands or on the mainland among the Picts consisted of a monastery for a body of clergy; thence they dispersed themselves in circuits among the surrounding tribes, returning to their common home for shelter and support.¹⁶⁸ In this way they gradually spread over the country.

A few of the recorded incidents and doings of St. Columba among the people may be noticed. When he was staying a few days in the land of the Picts, he heard of a fountain famous amongst the heathen people, which they foolishly worshipped as a god. This water had many evil qualities—those who drank of it, or washed their hands or feet in it, were struck by demoniacal art, and became away leperous or pur-blind, or at least suffering from some infirmity. Through such things the people were seduced into paying divine honour to the fountain. St. Columba, on learning the state of the case, one day went boldly up to the fountain. When the magi saw him they rejoiced, thinking that he would suffer from the touch of the baneful water. The saint raised his hands and invoked the name of Christ. He then washed his hands and feet, and with his companions distributed the water which he had blessed. Henceforth the

¹⁶⁷ *Historians of Scotland*, Vol. VI., pp. 67-71, Introduction; and 2, 71, 77.

¹⁶⁸ *Book of Deer*, Preface, pp. 1, 2.

departed from the fountain, and it never afterwards injured any one; but on the other hand, many diseases among the people were cured by it, after it was blessed by the saint.¹⁶⁹

St. Columba, by the sign of the cross, banished the demons which lurked in the bottom of the Milking Pail. He also confounded the devilish art of a sorcerer who pretended to take milk from a bull.¹⁷⁰

There is no indication in the life of St. Columba of any organised heathen priesthood in Scotland or the islands around it. St. Columba had far more to do in fighting demons than druidical priests. One day in the island, he went out to seek among the woods a sequestered spot for prayer. There, when he began to pray, he was suddenly attacked by a black host of demons who fought against him with iron darts. "But he single-handed, against innumerable foes of such a nature fought with the utmost bravery, having received the armour of the Apostle Paul. And thus the contest was maintained on both sides during the greater part of the day, nor could the demons, countless though they were, vanquish him, nor was he able by himself to drive them from the island, until the angels of God, as the saint afterwards told certain persons, and they few in number came to his aid, when the demons in terror gave way."¹⁷¹

The magi that Columba met with had great power over winds and waters, but the saint easily outdid them in all these things. We are introduced to a certain Broichan or Magus who attended king Brude; this man tried to measure his powers with St. Columba, but the Magus was swiftly and utterly defeated and confounded.¹⁷²

It is a grave mistake to conclude, as is sometimes done, that

¹⁶⁹ *Historians of Scotland*, Vol. VI., p. 45.

¹⁷⁰ *Ibid.*, pp. 48, 49.

¹⁷¹ *Ibid.*, pp. 83, 84.

¹⁷² *Ibid.*, pp. 59-61.

the whole of the inhabitants were rapidly made Christians.¹⁷³ Some writers have a habit of speaking of relapses, a falling off from the faith, a national corruption of morals and religion, and so on, when it would be much nearer the truth to remember that there was never a high moral and religious elevation reached from which to fall. We know the mass of the population many centuries later had not attained a knowledge of the doctrines of Christianity. The members of the monastery only included a small fraction of the people, and there was no regular means of educating the rest, no schools, no bibles, no literature beyond the narrow walls of the monastic establishments. But, if Christianity did not at once raise the people to a high moral standard, it introduced some new elements, and encouraged the practice of many of the peaceful arts among them ; its tendency as far as it affected the body of the population, was beneficial and humanising.

The form of Christianity introduced into Scotland was essentially monastic at every point, both in the south and the west. In vain have contending parties striven to show that it was Roman, Episcopal, or Presbyterial, it was neither the one nor the other, as they are understood and fixed in the creeds and polities of modern times. Some account, therefore, of the monastery may be given : and since Columba's institution of Iona was the first in importance, the head and centre of religious life in Scotland for more than two hundred years, it should be the best example of early Christianity among us.

The monastery of Iona consisted of a church with its altar and recesses, a refectory, and kitchen, the various huts of the monks, and the abbot's house at some distance from the others. There St. Columba sat and wrote or read, having one or two attendants awaiting his orders. All these buildings were surrounded by a rampart and ditch called a wall, and intended more for the restraint, than the security of the monks. It is

¹⁷³ T. Innes's *Civil and Ecclesiastical History of Scotland*, pp. 195-198 ; Spalding Club, 1853.

uncertain whether the burial ground was within the enclosure. Outside the walls there were sundry erections belonging to the monastery, for the accommodation of the cows, horses, the grain, and agricultural implements.¹⁷⁴ For in those days the monks themselves engaged heartily in the labours of the field, among corn and grass.¹⁷⁵ The church itself, and the whole of the dwellings were very humble structures, formed of wood and wattles.

Those who chose the conventual life regarded themselves as wholly devoted to the service of God. The rules of fasting and asceticism were strictly enforced. The abbot was the head of the community, and his authority extended over all the churches and monasteries founded by St. Columba. The bishops in Iona and throughout Scotland, during the lifetime of Columba and for two hundred years after, were subject to the abbots of this monastery. St. Columba also named his own successor, and afterwards a preference was given in the election to the founder's kin; the feelings and notions of clanship entered largely into the constitution of the Columbian monasteries. This is manifest in the relationship of many of the abbots of Iona.¹⁷⁶

Dioceses and parishes were alike unknown to the early Scottish Church; neither the one nor the other existed in the sense now attached to them before the 12th century. The Celtic customs and society were unsuited to such arrangements. The incessant warfare in which the people lived, often resulting in the extension of the territory of one tribe, and the curtail-

¹⁷⁴ *Historians of Scotland*, Vol. VI., pp. 119-121, Intro.

¹⁷⁵ *Ibid.*, pp. 74, 95, 96.

¹⁷⁶ *Ibid.*, Introduction, pp. 104, 105. In Ireland the feelings of clanship entered even more than in Scotland into the succession of the abbots or coarbs as they are called. Dr. Todd's *St. Patrick*, pp. 154-161, 172, *et seq.*, pp. 504, 505. Much curious information on the connection of the church and clan, their mutual relations and duties to each other, are contained in the *Ancient Laws of Ireland*, lately published, Vol. II., pp. 345-347, 355-359; Vol. III., p. 23 *et seq.*, pp. 33-49, 73-79.

ment of another, rendered even the area of the jurisdiction of clan monasteries exceedingly fluctuating.¹⁷⁷

It seems probable that celibacy was enjoined by Columba on the members of his community in Iona, and the state of "virgin in body and mind" held up for imitation. Marriage, however, existed in his time among the secular clergy, and celibacy was not established throughout Christendom for long after Columba's day.¹⁷⁸ Women held a high place in the early church of our country. Columba himself was much revered by the other sex; there were convents for women even in his time, and female saints of great renown. In the early Irish Church some of the coarbs were women, and St. Bridget attained a wide influence, not only in Ireland, but over England and Scotland.¹⁷⁹ This lady saint was born about the middle of the 5th century, and died about the beginning of the 6th; but all the histories of her life are rather full of the miraculous element.¹⁸⁰

Touching divine worship, the members of the monastery of Iona were summoned to the Church by the sound of a bell, and at night they carried lanterns. The chief service was the solemn mass, when the offices were chanted or sung, and in which certain saints were commemorated by name. On special occasions the Abbot summoned the Monks by the toll of the bell to the Church in the dead of night, and addressed them as they stood in their places. After asking their prayers, he kneeled himself at the altar, and prayed, sometimes with tears, in the warmth of his heart and the ardency of his devotion.¹⁸¹

¹⁷⁷ *Book of Deer*, Preface, pp. 102, 126-128.

¹⁷⁸ *Historians of Scotland*, Vol. VI., p. 108, Introduction, and p. 236, Note. Cunningham's *Church History of Scotland*, Vol. I., pp. 94, 95.

¹⁷⁹ *Historians of Scotland*, Vol. VI., pp. 41, 42, 69, 71, 85, and Fordun, Vol. II., p. 98. Dr. Todd's *St. Patrick*, pp. 11-14, 171.

¹⁸⁰ *Descriptive Catalogue of the materials relating to the History of Britain*. T. D. Hardy. Vol. I., pp. 105, 106. The writings on the life and miracles of St. Bridget, there noticed, amount to thirty.

¹⁸¹ *Historians of Scotland*, Vol. VI., pp. 110, 111, Introduction. Life, pp. 12, 72, 73, 85, 86, 87, 98, 90.

Every Wednesday and Friday, during the year, excepting the time between Easter and Whitsunday, was kept as a fast-day. Lent was strictly observed as a preparation for Easter. The chief festival was the Paschal solemnities, and on these occasions the Eucharist was celebrated.¹⁸² They performed penance, and there was absolution and confirmation.¹⁸³

As already mentioned, the Sacrament of Baptism was administered to adult converts, after being briefly instructed in the faith, sometimes by the Abbot when on his travels through the country, to a whole family, at other times to an individual shortly before his death.¹⁸⁴

The sign of the cross was much employed. It was customary, before milking, to cross the pail, to cross tools and implements before using them, and so on. The sign of the cross was thought effective to banish demons, to restrain river monsters, and prostrate wild beasts, unlock a door, and indue a pebble with healing virtues. Hence the readiness to erect a cross on the site of any remarkable occurrence. In St. Columba's time there was an extensive use of charms, which were produced by his blessing on a great variety of objects.¹⁸⁵ But it is needless to particularise; such notions were not peculiar to St. Columba or his country—they are found among many other and widely separated peoples.¹⁸⁶

Besides the religious services, the stated employment of the Columbian community was reading, writing, and manual labour, according to the example of the saint himself, who allowed no time to pass unoccupied. The labour of the monks was mainly connected with agriculture.¹⁸⁷ There is good reason to believe that the monks of Iona, and elsewhere

¹⁸² *Historians of Scotland*, Vol. VI., p. 112, Introduction. Life, pp. 66, 95.

¹⁸³ *Ibid.*, pp. 19, 20, 23, 36, 66, 69.

¹⁸⁴ *Ibid.*, Intro., p. 112. Life, p. 85.

¹⁸⁵ *Ibid.*, pp. 114, 115, Intro. Life, pp. 48, 49, 50, 55, 56, 59, 74.

¹⁸⁶ E. B. Tylor's *Early History of Mankind*, pp. 127-141. 2nd Ed., 1870.

¹⁸⁷ *Historians of Scotland*, Vol. VI., pp. 115-117, Intro. Life, p. 3.

throughout the country, were not only the ablest agriculturists, but also the best artists, mechanics, and architects of the age.¹⁸⁸ The noble example of peaceful toil exhibited by the monks could not fail to have a good influence upon the people. This is one of the best points of the monastery—one that has silently, but nevertheless surely, operated on the industrious population of Scotland.

The work required in connection with the monastery, and the individual wants of its members, called forth officers and servants, and, as the system developed, duties were defined and agents multiplied. In Iona we find recorded the abbot, prior, bishop, scribe, anchorite, butler, baker, cook, smith, attendant, messengers, and, in later times, the president of the culdees.¹⁸⁹ The position of Iona demanded at all times a supply of boats and nautical appointments, and men acquainted with the sea; but this matter will be noticed in the next section.

The establishment of Iona continued to prosper, and occasionally sent forth men of energy, who founded monasteries, abbacies, and bishoprics beyond the bounds of Scotland.¹⁹⁰ In its day it accomplished a large amount of valuable work, and most assuredly it contributed something considerable to the civilisation of Scotland; but in spite of its solitary position in the ocean, evil days came. In 801 the monastery was burned to the ground by the Danes. Again (806) they landed on the Island, and slaughtered sixty-eight of the inhabitants. The red robbers returned (815) and slew a number of the monks. About this time the importance of Iona, from other causes, began to decline, and, ere the end of the 9th century, Dunkeld had become the chief religious centre.¹⁹¹

Before closing this brief account of the introduction of

¹⁸⁸ *Sculptured Stones of Scotland*, Vol. II., pp. 14-16, 17, 19-21, Preface.

¹⁸⁹ *Historians of Scotland*, Vol. VI., p. 123, Introd.

¹⁹⁰ *Orig. Paroch. Scot.*

¹⁹¹ *Historians of Scotland*, Vol. VI.; App. p. 337. Grub's *Ecclesiastical History of Scotland*, Vol. I.

Christianity, another saint, whose name is associated with the spread of the gospel in the south of Scotland, merits a passing notice. St. Cuthbert, when living at Melrose, carried his teaching to the inhabitants of the glens and hillsides of the Cheviots and Lammermuirs. Sometimes he would spend several weeks among the people of these places, returning afterwards to his monastery, like the bird to the ark.¹⁹² St. Cuthbert was at length elected Bishop of Lindisfarne, and he died in 687. He is a great and conspicuous saint in the annals of the English Church.¹⁹³

The influence of the early saints, and especially of Columba and his immediate followers, on the subsequent religious feelings and sentiments of the people of Scotland was certainly great, and to us unrealisable in its natal vigour and glowing novelty. Throughout, till the Reformation, the deaths and miracles of the Irish saints, who taught the gospel in Scotland, were continually commemorated as part of the knowledge and worship of the people. Their relics, tombs, and shrines also became objects of extreme veneration. They, moreover, took a firm and extensive hold on the local history and nomenclature of the country, still discernible, though four centuries ago it was far more potent in venerable associations. The fresh springs of water among the steep and winding glens, and in the cliffs of high and rugged mountains, often bear the name of some ancient saint. The caves and the rocks also retain traces and memorials of the early teachers of the gospel of peace. The old fairs and markets all over the country are called after them; indeed there is hardly a spot of any note but is connected with the name of some early saint. Where is the man that imagines that those who introduced Christianity into

¹⁹² *Mon. Hist. Brit.*, pp. 242, 243.

¹⁹³ *Ibid.*, and *Catalogue of the Materials Relating to the History of Britain*, T. D. Hardy, Vol. I., p. 302. There is quite a mass of writings on the life and miracles of St. Cuthbert. A full notice of them may be seen in Mr. Hardy's valuable work.

the country did not long wield and leave an influence upon the minds of the people? What else could have proved so powerful to draw them together?

Section VIII.

THE STATE OF SOCIETY IN THE EIGHTH AND NINTH CENTURIES.

In the preceding parts of the introduction little has been said on the social and moral condition of the inhabitants, partly because of the obscurity of the subject, and the consequent likelihood of misrepresentation, and from a deliberate intention to avoid as much as possible the hypothetic mode of conjecturing and instituting comparisons on fanciful and assumed resemblances. A few facts and incidents relating to the state of society in Scotland during the eighth and ninth centuries may be brought together, before resuming the narrative. And give a passing glance at what has been supposed to be the early social state of mankind.

The idea of a common brotherhood is one of exceedingly slow and late growth. There was no brotherhood recognised among our early ancestors, except actual consanguinity. If a man was not of kin to another there was no common bond between them, he was an enemy to be slain, spoiled, or hated, as much as the wild beasts upon which the tribe made war. It is said, indeed, that even the dogs which followed the camp had more in common with it than the tribesmen of an alien and unrelated tribe.¹⁹⁴

This theory when applied universally, appears to be rather strongly put. If there had been no tendency to sympathy in man I can hardly see how it could have arisen. The simple fact of kinship being first recognised as a bond of union, is scarcely a sufficient reason for asserting that none else existed within the compass of human nature. It is, however, certain that in the

¹⁹⁴ Maine's *Early History of Institutions*, pp. 64, 65.

infancy of the race, the social and moral elements were extremely low and narrow; but, so far as we know, never entirely absent. Even now among the most civilised nations, the moral element is imperfectly developed, and this is everywhere still the great retarding cause of peace and happiness.

The strength and persistence of the principle of kinship among the Celtic population of Scotland is well known, and need not be enlarged on here. It is not peculiar to them, but common throughout the Aryan race, the Semitic, and Uralian races. Though perhaps it remained longer in force among the Highlanders of Scotland than elsewhere.

This kinship was the bond that tied the tribe and community together, as it tended more and more to be regarded as the same thing with subjection to a common authority. The notions of power and consanguinity in early communities constantly blend, though they do not supersede each other. The most familiar example of the mingling of ideas is seen in the subjection of the smallest group, the family, to its patriarchal head. Wherever we find such a group, it is difficult to determine whether the persons composing it are most distinctly considered as kinsmen, or as servile or semi-servile dependents of the person who was the source of their kinship. In some cases the tribe must be described as the group of men subject to one chief. As we often find the family recruited by strangers through the mode of adoption, or as in Ireland and Scotland, and other communities, by fosterage, so the tribe and clan may include a number of persons in theory akin to it, but in fact, connected with it only by common dependence on the chief.¹⁹⁵

At the period now under consideration, society in Scotland had arrived at the stage when a number of small tribes, not exactly related by blood, were living under the rule of one chief. This chief was often called a king in the pages of chronicles, though he possessed few, if any, of the prerogatives associated

¹⁹⁵ Maine's *Early History of Institutions*, pp. 68, 69, 241-243.

with the kingly office of more modern times. A king in those days was no despot with unlimited powers as some might suppose his rights and privileges were fixed by custom and tradition. Whatever shortcomings were incident to Celtic polity, it never allowed rulers to become irresponsible and despotic ;¹⁹⁶ mutual rights and duties, individual independence, combined with faithfulness to the chief was its soul and characteristic glory. The potency of this has manifested itself through many long ages, and yet survives in the heart of the British people.

Without entering into details at present, I venture to make the following brief expository statement. At all times among uncivilised and half-civilised communities, custom and local usage supplies the place of written laws. And during the early stages of transition, when a new regulation or law arises, it invariably proceeds from the prior customs, the surrounding circumstances and influences. Hence it is often impossible to fix the exact date when a change happened, or an institution was established ; hence the first periods in the history of most nations are obscure. Inasmuch as there is seldom any direct information, though on various lines of research more or less decisive, a natural sequence may be observed. A thorough grasp of this conduces to a clearer comprehension of social, political, and religious manifestations. Probably the primary elements of human nature are always and everywhere the same, the difference exhibited in customs, habits, and manners, the variety of political forms, the diversity of thought, moral and religious sentiments, result chiefly from culture, outward influences, and prolonged courses of discipline stretching far back through many ages.

It was long assumed that the tribal condition of societies belonged at first to the nomad communities, that when associations of men settled down upon land a marked change came

¹⁹⁶ *Ancient Laws of Ireland*, Vol. I., pp. 55, 59, 61 ; Vol II., pp. 223-279-281.

over them.¹⁹⁷ The change unquestionably indicates an advance in early civilisation, if we could only find the time when it happened in any given community. The transition from the one to the other was assuredly a long process; there is no instance of a tribe suddenly giving up the nomad mode of life, and at once settling down in a definite space of ground. But at length when the tribal community does finally plant itself on a limited spot of territory, henceforth the land partly begins to be the basis of society, and gradually the tie of kinship relaxes, waxing fainter and fainter as time rolls on.

In Scotland, England, and Ireland, the land in early times rather belonged to the tribe and local community, than to individuals. But changes were slowly creeping in, and this period was essentially transitional. We can see through the mists that the ruling powers in Scotland had long been struggling hard to form a central authority, and had so far succeeded in laying the foundations of a monarchy. In a more or less distinct form some individual rights in land were recognised; and the local chiefs and small tribes must have yielded some submission to the burdens attached to it. The local ruler of Buchan granted lands to the monastery of Deer about the beginning of the seventh century,¹⁹⁸ which shows that rights in land existed. But to make a set of more definite assertions regarding the occupancy and tillage of the soil, or the position and connection of the tribes to it in Scotland at this period, would only tend to involve the subject in endless disputes; towards the close of this introduction, I will bring together some evidence to show how the land was occupied, and what rights and dues were attached to it about the end of the eleventh century.

We have stated that agriculture was cultivated among the monks, and it was gradually improving and spreading among

¹⁹⁷ Maine's *Early History of Institutions*, pp. 72, 73.

¹⁹⁸ *Book of Deer*, Preface, pp. 47, 48, 74, 75.

the people. The staple food of the population consisted milk, flesh, fish, venison, some sorts of kail, and other vegetables. Their chief wealth was cattle, and long after this the tribute and the fines for crimes were paid in cows. There was as yet little or no manufacture, most families had their own weaver, tailor, shoemaker, and carpenter within themselves ; the division of labour only arises in times of comparative advancement when the multiplied wants and luxuries of society demand it. Even the clothing of the monks was made of rough materials, and St. Columba himself used a stone for his pillow.¹⁹⁹

It was already mentioned that the early churches were built of wood, and the huts and dwellings of the people were of the same description. The most substantial class of these structures were generally formed by a wall-plate of upright stakes, with twigs interlaced between them like a basket ; a second one of the same kind was placed within the other at a short distance, and the intervening space filled with turf or clay, making a pretty solid wall.²⁰⁰ Till recently crell houses were used in some parts of the Highlands, and may yet be seen.

The simple primitive boats were already noticed, at the time the Scots had boats and vessels of various kinds. One class of them was constructed by covering a keel of wood and frame of wickerwork with the hides of cattle and deer. It appears they had also ships of a more substantial description, and they used sails freely as well as oars. Several sorts of boats and ships are spoken of in Adamnan's Life of Columba. In these rude craft the Scots sailed from Ireland to the Western coasts of Scotland, and by the same means the monks of Io-

¹⁹⁹ *Historians of Scotland*, Vol. VI., pp. 39, 50, 63, 97 ; Vol. V., pp. 16, 57, 66, 67, 68. *Proceedings of the Society of Antiquaries of Scotland*, Vol. 2, pp. 616-618.

²⁰⁰ *Book of Deer*, Preface, pp. 147-151.

²⁰¹ *Historians of Scotland*, Vol. VI., pp. 55, 56, 61, 75, 76. *Chamberlain's Caledonia*, Vol. I., p. 310.

kept up their communication with Ireland, their intercourse among the islands, and with the mainland of Scotland.²⁰²

The great advantage of skill in building small vessels and good seamanship, is well illustrated by the career of the Norsemen. It gave them a power and influence among the races of Europe for four centuries, which their mere numbers could never have commanded. The hardy Danes and Norsemen aboard their small ships and galleys, were agile upon the ocean, and amongst the channels, firths, lakes, and rivers which abound around the shores of Britain, they were a terrible enemy to encounter. We already noticed some of their work at Iona, and on the mainland, finally we will find that they had an important effect upon Scotland.

The list of the Pictish kings has often been declared barren by historians fond of political records, yet it presents peculiarities worth examination. In the list of these kings, brothers succeed each other, while in no instance is a father succeeded by his son. It seems the Pictish custom of succession, after the brother, preferred the son of a sister to the son of a brother, when the husband of the sister was a foreigner, her son nevertheless succeeded though under a Pictish name.²⁰³ There are other peculiarities, the names of the fathers and of the sons are different, not one of the names borne by any of the sons appear among the names of the fathers, nor any instance of the father's name appearing among the sons. The names of the sons consist of six Pictish names borne by sons of different fathers, and the name of a father never occurs twice in the list of fathers. There are two cases of sons with Pictish names whose fathers are known to have been strangers, and these are the only fathers we know anything about.²⁰⁴

This raises a presumption that the fathers and mothers of

²⁰² *Historians of Scotland*, Vol. VI., pp. 25, 45, 46, 71, 72.

²⁰³ *Ibid.*, Fordun, Introduction, p. 42.

²⁰⁴ *Chronicles of the Picts and Scots*, Pref., pp. 101, 102.

the Pictish kings were of different tribes. Probably it implies the prevalence of a social custom among the Picts, which only permitted the women to marry either men of another tribe or strangers. At this stage in the history of marriage, the kinship through females is alone recognised. This custom has at one time or other prevailed extensively in various parts of the world.²⁰⁵

In the old legends of the Picts, it is said that they obtained their wives from Ireland, "on condition that their issue should speak Irish". This seems intended to explain why the Pictish language was akin to the Irish or Gaelic, while the Picts themselves were a different race. This legend also was supposed to account for the peculiarity of the succession through females.²⁰⁶ The real cause did not occur to the framers of the legend, that it resulted from a certain marriage custom.

Though it is apt to shock our feelings and sentiments, it is requisite to a clear understanding of the subject, to indicate briefly how marriage arose. It is also necessary to dispel the wild notions of some visionary but exceedingly noisy reformers, whose theories, if carried out, forsooth, would again land us in the first stages of barbarism.

Marriage, like every social institution, has passed through many modifications.²⁰⁷ It was only after thousands of years of

²⁰⁵ *Chronicles of the Picts and Scots*, Pref., pp. 102, 103. E. B. Tylor, *Early History of Mankind*, pp. 282-288. 1870.

²⁰⁶ *Chronicles of the Picts and Scots*, Pref., pp. 99, 100.

²⁰⁷ "The lowest races have no institution of marriage; true love is almost unknown among them, and marriage, in its lowest forms, is by no means a matter of affection and companionship (Sir J. Lubbock's *Origin of Civilisation*, p. 50). Sir John thinks "that communal marriages, where every man and woman in a small community were equally regarded married to one another," was the first form of it. P. 67. Again, "I believe that communal marriage was gradually superseded by individual marriages founded on capture." P. 70. He illustrates the capture theory at great length, as it seems to me, pretty conclusively. But doubtless various modes of arriving at individual marriage obtained among different races.

In Ireland, about the period we are discussing, the relation of the sexes was

hard struggling, during which the passions raged in different regions of the earth with varying degrees of intensity and ferocity. Not until long after the introduction of Christianity did marriage attain its present position among the most advanced nations of Europe.²⁰⁸ The custom of capture seems to have been followed by that of purchase. The custom of purchasing a wife long prevailed in Europe, among the Hebrews, and other communities. A sum of money, or something equivalent, was paid by the husband or his family. A woman, in early times, was supposed to be always under tutelage, in the position of a subordinate member of the family; hence, though married, she was still regarded as under the protection of her own kindred.²⁰⁹ A degrading spirit of caste

extremely loose. A mass of valuable information on this point, and many other interesting matters, is published in the three volumes of the *Ancient Laws of Ireland*. See Vol. II., p. 397-403; Vol. III., pp. 311-315. It should, however, be stated that, though numerous irregular and temporary modes of co-habitation were recognised and legalised, the position of women in many ways was fully respected and protected. The law of husband and wife in the early Irish laws is more advanced, and approaches much nearer an equality of position than the modern law of England.

²⁰⁸ Lecky's *History of European Morals*, Vol. I., pp. 106, 107; Vol. II., pp. 292, 379.

²⁰⁹ In the earliest of the Saxon laws, which probably belongs to the 7th century, I note the following:—"If a man buy a maiden with cattle, let the bargain stand, if it be without guile; but if there be guile, let him bring her home again, and let his property be restored to him. If she bear a live child, let her have half the property, if the husband die first. If she wish to go away with her children, let her have half the property. If the husband wish to have them, let her portion be as one child" (*Ancient Laws and Institutes of England*, p. 9).

"If a man carry off a maiden by force, let him pay fifty shillings to the owner, and afterwards buy the object of his will of the owner" (*Ibid.*, p. 10).

"With slavery in its worst form, the barbarians, who became masters of Britain after the Roman power was broken, introduced the custom of wife-buying. An unmarried woman was, among them, in the position of a chattel, for the sale of which the owner was entitled to make as good a bargain as possible. It was only natural that, in a community in which it was necessary to pay for taking a man's life, it should be considered equally necessary to pay for the permanent possession of a woman's person. The payment represented in each case a rude attempt to supersede a primitive condition of universal

everywhere pervaded the ancient world to a degree hardly conceivable by us, and tended to continue many peculiarities connected with marriage.

The custom of purchasing and endowing a wife implied that the husband had property and freedom, or the permission of his lord; so marriage could not exist among the servile classes.

violence" (*Pike's History of Crime in England*, Vol. I., pp. 90, 91). The historian is probably wrong in supposing that the Saxons introduced the custom of buying wives into Britain. Doubtless something similar was customary among the British tribes long before the arrival of the Saxons.

Again, "In the laws of the first Christian King of Kent, the provisions for the transfer of money or cattle, to be given in exchange for the bride, occupy prominent place. The principle was carried out with the utmost consistency when the wife proved unfaithful to her owner. Nothing was then considered but the market value of the woman; and the adulterer was compelled to expend the equivalent of her original price in the purchase of a new bride, whom he formally delivered to the injured husband."

"The Church was compelled to accept this, with many other discreditable institutions, when it first made converts in England. In the laws of a King of Wessex, who lived at the end of the 7th and beginning of the 8th century, the purchase of wives is deliberately sanctioned; and it is stated in the preface to the compilation was drawn up with the assistance of the Bishop of Winchester and a large assembly of God's servants" (*Ibid.*, p. 91. See the *Ancient Laws and Institutes of England*, pp. 45, 53).

In the 10th century there was some improvement. "If a man desire to betroth a maiden or a woman; and if it so be agreeable to her and her friends then it is right that the bridegroom, according to the law of God, and according to the customs of the world, first promise and give a pledge to those who are his forsprecas that he desires her in such ways that he will keep her, according to God's law, as a husband shall his wife, and let his friends guarantee that.

"After that, it is to be known to whom the forsprecas belongs; let the bridegroom again give a pledge for this, and let his friends guarantee it.

"Then, after that, let the bridegroom declare what he will give her, in case she choose his will, and what he will grant her, if she live longer than he. If it so agreed, then it is right that she be entitled to half the property, and to all they have children in common, except she again choose a husband.

"Let him confirm all that which he has promised with a pledge, and let his friends guarantee that. If they then are agreed in everything, then let the kinsmen take it in hand, and betroth their kinsman to wife, and to a righteous life, to him who desires her, and let him take possession of the forsprecas who has control of the pledge. At the nuptials there shall be a mass priest by law, who shall, with God's blessing, bind their union to all prosperity." (*Ancient Laws and Institutes of England*, pp. 108, 109. See also Robertson's *Scotland under her Early Kings*, Vol. II., pp. 324, 325; Tylor's *Early History of Mankind*, I, 285, 288, 289).

who were regarded as cattle or stock, and joined or separated as their master's convenience and caprice demanded. For them, indeed, there was no law but their master's will.²¹⁰ This was a fatal weakness in all the ancient empires and nations;²¹¹ nations which have often been held up as indued with all the emblems of true glory, a hellish delusion that need not longer impose upon any one.

Many points connected with marriage among the people, the aristocracy, the attempts to establish celibacy among the Scottish clergy, and the monastic principle, will hereafter come up when there are more records for examination. Meanwhile we will resume the narrative.

Section IX.

AD. 843-1099.—NARRATIVE TO END OF ELEVENTH CENTURY.

We have seen that Kenneth M'Alpin was ruling over the Scots and Picts in 843. He appears to have been a brave and able prince; and the circumstances required all his energy, as the newly acquired territories were surrounded with hostile foes; but he boldly faced all his enemies, and stifled in the bud

²⁰ "In short, as amongst the strictly servile classes, marriage was scarcely a permanent bond until after the lapse of many generations of Christianity, so amongst the dependent freemen it could only be contracted with the permission of their lord; this control of the overlord penetrated deeply into the feudal system in many other ways, which it would be needless to enumerate." (Robertson's *Scotland under her Early Kings*, Vol. II., p. 328, also p. 127; and *The Ancient Laws and Institutes of England*, pp. 282, 337, 353.) The statutes here referred to belong to the legislation of the Church, and probably attempted to make the condition of the serf as endurable as possible.

Any one wishing to see how all sorts of crimes were commuted by a money payment or other mulct in cattle or goods, will find a rich harvest in the *Early Laws of the Saxons*, and the *Ancient Laws of Ireland*, as published under the authority of the Commissioners of Record. In those days, if a man could pay the customary fine for murder, he was all right, there was no capital punishment. So there could be no rant among the reformers of that period about its abolition.

²¹ Lecky's *History of European Morals*, Vol. I., pp. 104, 105, 277, 278, 318-327; Vol. II., pp. 272-274.

any doubts of his right to the kingdom, throttled the shout of all competitors, and asserted his supremacy. After a brilliant reign, according to the ideas of the times, having governed the Scots and Picts jointly sixteen years, he died in his rath at Forteviot about 860.²¹²

More than 400 years had passed since the Romans left the Island, and Christianity had implanted a higher and purer element; yet through so long a period little advancement appears, but circumstances within and without combined to render the progress of civilisation slow in Scotland for many centuries.

What these were may now be briefly indicated. An almost interminable struggle raged among the different races and tribes for more than a thousand years. Finally one of them became the dominant party, and the Celtic inhabitants who once possessed the whole land were partly commingled with the ruling population, and the remnant henceforth confined to the Islands, the remote and most mountainous parts of the country. The racial movement of the Saxons from their first establishment in Lothian was constantly proceeding onward, for some centuries quietly and slowly, though none the less effectively. But long before this transformation was completed, the kingdom was again and again assailed by foreign invasions. The Danes and Norwegians, as already mentioned, began early to infest the islands and coasts of Scotland; as time passed on, their incursions grew more frequent and formidable, indeed threatening the total overthrow of the kingdom, as they did for a time that of England, though never succeeding so far in Scotland. Yet they inflicted great injury on the country, the regions toward the shores and bays were harassed and plundered for several centuries. No sooner were the Danes disposed of than a new enemy appeared upon the scene, even more powerful and implacable than the former. The ruling powers of England had

²¹² *Chronicles of the Picts and Scots*, pp. 8, 62, 361.

conceived the grand idea of subjugating Scotland, and so intently set their hearts on the enterprise that they sacrificed many thousands of lives and millions of treasure in the attempt. Although unsuccessful, they brought incalculable suffering upon the Scots, and threw back their material improvement for centuries.

It is essential to remember the circumstances and causes just noticed, as they ultimately resulted in forming some of the best and worst features of our national character, and in many ways, politically and socially, effected the destiny of the people.

Kenneth M'Alpin was succeeded by his brother, Donald, who reigned four years. Constantine, the son of Kenneth, next ascended the throne, and the chronicles give him a reign of sixteen years.²¹³ During it he had to struggle against the common enemy, the Norsemen. In the end of the 8th century they plundered the monastery of Iona,²¹⁴ and about the middle of the 9th they extended their destructive ravages along the east and west coasts of Scotland. Bands after bands of these ruthless warriors rushed in succession from their native shores, entering by all the maritime inlets, and penetrating far into the interior of the country; ransacking it on every side, showering devastation and horror around, glutting their savage jaws with the slaughter and blood of their enemies, and whetting their insatiable appetites over the spoil—thus heaping privation upon the unhappy inhabitants, and prolonging the reign of confusion.

The Scottish kings and their followers made many desperate efforts to drive the remorseless invaders out of the country;

²¹³ *Chronicles of the Picts and Scots*, p. 8.

²¹⁴ *Ibid.*, p. 168. These roving Danes and Norsemen knew well where they were likely to find something worth taking. This is shown by the recurring raids to the Monastery of Iona, referred to in a preceding page. It was the oldest, and, presumably, the best stored one among the Islands. The lone establishment, which had so long radiated the gospel of peace, was savagely sacked. The successors of Columba were at last forced to relinquish the venerable spot, and a dark cloud set over it for four hundred years.

some of them nobly fell while leading their vassals against the pressing enemy ; but the Danes were not easily shaken off—required all the power of the monarchy to keep them out of the centre of the kingdom.²¹⁵ They obtained possession of the Orkney and Shetland Islands, and they got a footing in Caithness, Sutherland, and other parts along the coasts;²¹⁶ where they established everlasting memorials of their prowess in the memory of succeeding generations.

Constantine the First fell on the battle field in 877, while repulsing an attack of the Danes, somewhere on the coasts of Fife. After his death to the end of the century, four kings are recorded in the chronicles ; but the history is entangled, and little is discernible, except the usual rage of internal and external conflict. Towards the end of the century, there was a Danish invasion of the southern districts, in which Donald the King was slain at Dun Fother.²¹⁷

At the opening of the 10th century, Constantine the Second was raised to the throne, and he ruled for upwards of forty years. In 904, the Danes plundered Dunkeld, and the whole of Alban ; but the next year they were defeated in Strathern, and their leader slain. There are now some indications of the Scottish Kings attempting to extend their dominion southward. When Donald the brother of Constantine was elected King of Strathclyde, it merely facilitated what must have been near at hand, the conquest of the district. Henceforth a branch of the Scottish family supplied princes to Strathclyde ; and though

²¹⁵ *Chronicles of the Picts and Scots*, pp. 8, 9, 174-178 ; W. E. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 45-48 ; Chambers's *Caledonia*, Vol. I., pp. 378-380.

²¹⁶ About 889, the Orkneys had become colonised by the Norwegians, then taken possession of by the King of Norway, who gave them over to a Jail, and thus the Norwegian Earldom of Orkney was founded. Soon after this the new earl invaded Scotland, and took possession of Caithness, Sutherland, Ross, and Moray. (Skene's *Celtic Scotland*, Vol. I., pp. 335-337.)

²¹⁷ *Historians of Scotland*, Fordun, pp. 149, 155, 152-153, 408-409, *Chronicles of the Picts and Scots*, pp. 9, 21, 362, Skene's *Celtic Scotland* ; Vol. I., p. 339.

the region still remained nominally independent, it all but ceased to hold the position of a separate kingdom.²¹⁸

In 906, Constantine turned his attention to the affairs of the Church. He took part with Kelloch the bishop, and the people, at a meeting upon the Mount Hill of Scone, when all vowed to observe the laws and the discipline of the faith.²¹⁹ Scone was long before this a royal seat and place of meeting; but the record says, "from this day the hill merited its name—the Mount of Belief". The inauguration stone of the kings had long been here, many meetings had been held on the hill, and now the sacred spot with its stone of destiny, became forever associated with the sovereignty and freedom of the kingdom.²²⁰

Constantine retired to the monastery of St. Andrews, in 943; and Malcolm the First, a son of Donald the Second, succeeded to the throne of his kinsman. Malcolm ruled eleven years, and was slain in 954, near Forres. The contest between the tribes of the northern and the southern provinces of the country, raged fiercely and incessantly.²²¹

Indulf, a son of Constantine the Second, now mounted the throne. He added Edinburgh to his territory, the first clearly recorded step in the progress of the extension of the kingdom between the Forth and Tweed. The Norsemen continued their inroads, and Indulf fell when repelling them, 962, at Cullen, in Banffshire.²²² His death was followed by a contest for the

²¹⁸ *Chronicles of the Picts and Scots*, pp. 9, 209; Robertson's *Scotland and her Early Kings*, Vol. I., pp. 54, 55; Skene's *Celtic Scotland*, Vol. I., p. 339.

²¹⁹ *Chronicles of the Picts and Scots*, p. 9.

²²⁰ *Proceedings of Society of Antiquaries of Scotland*, Vol. VIII., pp. 68-99, pp. 99-105.

²²¹ *Chronicles of the Picts and Scots*, pp. 10, 151, 174, 288. There is a dispute regarding the place where the King was slain. Dr Skene thinks it was at Fetteresso, remarking, "that the latter *Chronicles* usually remove the scene of events of the reigns of these kings, to localities further to the north than those in the older documents" (*Historians of Scotland*, Fordun, p. 410, Notes).

²²² *Chronicles of the Picts and Scots*, pp. 10, 151, 174, 302.

vacant throne, between Duff and Colin, in which Duff defeated his rival; but was himself soon after expelled. Colin too in a quarrel with the people of Strathclyde, four years later.

After the death of Colin, 971, Kenneth the Second, a son of Malcolm the First, ascended the throne. He threw entrenchments at the fordable points of the river Forth, which still seems to mark the southern limits of his kingdom. Following the game of some of his predecessors, endeavouring to push his dominion southward; he pressed upon the Strathclyde Britons, and ravaged Northumberland.²²⁴ Kenneth gave Brechin to the Lord, which shows that he had only newly acquired the surrounding territory; as whenever a district was conquered the connection was strengthened by securing the influence of the Church.²²⁵ A gradual system of encroachment was going on, from Scone the centre of the Monarchy, by which the kings and chiefs, both south and north, were coming somewhat under the subjection of the central authority. This authority as yet, however, as far as can be seen through the mists, was comparatively little regarded: still the idea and active tendency was unquestionably making themselves felt.

Kenneth was assassinated in 995, at Fettercairn, in Aberdeenshire, after a reign of twenty-four years.²²⁶ His death raised another contest for the throne; but it is involved in confusion and obscurity. Two or three claimants came to the scene, Constantine the Third, and Kenneth MacDuff. The struggle was carried on about two years, when Constantine and MacDuff succeeded.²²⁷ He reigned eight or nine years. Nothing of importance is recorded concerning him, except his defeat and death by Malcolm, at Strathern.²²⁸

²²³ *Chronicles of the Picts and Scots*, pp. 10, 63, 151, 364.

²²⁴ *Ibid.*, p. 10.

²²⁵ *Ibid.*, p. 10, and *Chartulary of Brechin*, Vol. I., Pref. p. 4.

²²⁶ *Chronicles of the Picts and Scots*, pp. 152, 289, 365.

²²⁷ *Ibid.*, pp. 22, 29, 97, 131, 175, 289, 302.

²²⁸ *Ibid.*, pp., 206, 366, *Historians of Scotland*, Fordun, pp. 169, 172, 412.

This Malcolm, called the Second, ascended the throne in 1005. And following the policy of extending the kingdom, he began his reign by an inroad upon Northumberland; but he was defeated, and many of his followers slain. The victors in full harmony with the spirit of the age, severed a number of the best looking heads off the bodies of the Scots, and committed them to four women, each to receive a cow in payment for platting the hair, and arraying to the greatest advantage these hideous relics of their foe; which were then placed on stakes around the walls of Durham, to strike terror into the minds of future bands of marauding Scots, and recall to the grateful inhabitants the services of their heroic deliverers.²²⁹

Nothing daunted, Malcolm endeavoured to stretch his influence over the northern regions of Scotland, by giving his daughter in marriage to Sigurd the Jarl, and ruler of the Orkney Islands. After the death of Sigurd, Thospine, his son, was confirmed by Malcolm, in the possession of the districts of Caithness and Sutherland, which his father had conquered. Having established his grandson in the northern extremity of the country, Malcolm again turned his attention to the south.²³⁰

In 1018, twelve years after his former defeat, Malcolm taking advantage of the distracted state of Northumberland, collected his adherents for a second invasion, and to exact a retribution for the grim trophies mouldering around the walls of Durham. A battle was fought at Carham, on the banks of the Tweed, when Malcolm gained a complete victory; multitudes of the enemy perished in the rout. The result of this battle was the cession of Lothian, and the territory up to the Tweed; a more substantial success than any of his predecessors had ever achieved.²³¹

During this reign the kingdom of Strathclyde became

²²⁹ Robertson's *Scotland under her Early Kings*, Vol. I., pp. 92, 93.

²³⁰ *Ibid.*, pp. 94, 95.

²³¹ *Mon. Hist. Brit.*, p. 594; *Chronicles of the Picts and Scots*, p. 131; Robertson, *Ibid.*, pp. 95, 96.

absorbed in the rest of Scotland without any conflict. The country now began to be called Scotia; and it had just reached its permanent frontier on the south side, as it stood when the great struggle with England commenced. But in the outlying parts of the north and west, there were many small powers under local chiefs, and not yet within the monarchy; and it was long ere the King of Scots overcame them. It is doubtful if the district between the Dee and Spey was as yet in the crown, or subjected to pay taxes.²³² Indeed the crown never fully mastered these local chiefs, when feudalism came, it even weakened the central government.

There are slight symptoms that Malcolm determined to transmit the crown to his own immediate descendants, and he succeeded, though it involved the death of one prince who stood between him and his object. The annals of this age everywhere prove that neither the bond of kinship, nor any other tie was strong enough to curb the unbridled passion of ambition. It is said that Malcolm himself was assassinated 1034, at Glamis, probably falling a victim to the revenge which he had aroused.²³³

He was succeeded by his grandson, Duncan, but there were plenty of aspirants to the throne who disputed his possession. Duncan soon became involved in a struggle with the northern chiefs and the ruler of Moray, in which he at last fell by the hands of Macbeth, near Elgin, 1040.²³⁴

Macbeth now mounted the throne, and for five years after Duncan's death he reigned in peace. But in 1045, the adherents of the late king attempted to regain the crown. They were completely defeated, and their unavailing efforts

²³² Robertson's *Scotland under her Early Kings*, pp. 99, 100; *Book of Deer* Pref., pp. 74-80.

²³³ *Chronicles of the Picts and Scots*, p. 368. *Historians of Scotland*, Fordun, pp. 176, 177. It is not, however, certain that Malcolm was murdered, most of the notices in the early chronicles simply record his death at Glamis.

²³⁴ *Chronicles of the Picts and Scots*, pp. 68, 65, 152, 175, 206. *Historians of Scotland*, Fordun, pp. 179, 180, 419.

established Macbeth on the throne.²³⁵ He proved an able and vigorous ruler; the country seems to have enjoyed unusual tranquillity and prosperity under his sway. It is said he sent money to Rome, and it appears he was liberal to the church at home. It is recorded that Macbeth and his wife Gruach, king and queen of Scotland, confirmed to the monks of Lochleven the lands of Kirkness, with freedom from the king, the king's son, or the sheriff.²³⁶ This shows that the crown had already acquired rights in land, which it could dispose of to another party.

The late king Duncan left two sons, their mother was a sister of the Earl of Northumberland, and one of them, Malcolm, with the assistance of his uncle, collected an army in 1054, and moved northward to meet Macbeth. A battle ensued near Dunsinnane, but it was not decisive. The war was carried across the Dee, and Macbeth struggled several years; finally at Lamphanan in Aberdeenshire, on the 15th of August, 1057, he was killed. The contest was continued for a short time by one Tulach, who was also slain in Strathbogy the following spring.²³⁷

Malcolm the third, the son of Duncan, who thus gained the throne, 1058, is best known by his native name of Malcolm Canmore. He was a man of great energy, who played his part well in those rough times. His dominions included the whole of modern Scotland on the south side, also the rather precarious tenure of part of the districts now known as Northumberland and Cumberland in England. This region, which as yet hardly belonged to England, had often been, and long continued to be, the scene of many contests, and an element of confusion. We find William the Conqueror making desperate efforts to master it, which only partly succeeded.

One of the first effects of the Norman conquest of England

²³⁵ *Chronicles of the Picts and Scots*, pp. 78, 369.

²³⁶ *Register of the Priory of St. Andrews*, p. 114. *Book of Deer*, Pref. p. 80.

²³⁷ *Mon. Hist. Brit.*, p. 458. *Chronicles of the Picts and Scots*, pp. 65, 78, 175, 206, 210.

was to drive numbers of the Saxon people northward into Scotland. About 1068, Edgar, the heir of the Saxon line of kings, his mother, and his two sisters, with some of their followers, came into Scotland, and were hospitably entertained by Malcolm. One of the visitors, Margaret, became his wife hence he was much interested in the Saxon claims. How far this marriage, the new immigration of Saxons into the kingdom and the subsequent introduction of Norman nobles, really affected the destiny of the country and the progress of civilisation, will be fully examined in the next chapter. Hitherto our historians seem to consider these matters of primary importance and doubtless they have been enormously exaggerated.

Malcolm lent his aid to the disaffected chiefs in the north of England. In 1070, he entered Cumberland and ravaged the country. Malcolm's close ally, Gospatric of Northumberland having deserted him and attacked the Scottish army, he swept Northumberland with a memorable and remorseless ferocity and barbarity. But, perhaps, the current accounts of it are exaggerated. A motley multitude of the inhabitants were driven north and retained in Scotland as slaves.²³⁸

The Norman conqueror was enraged to the highest pitch and at once, to strike terror on the minds of the people and place an obstacle to the future inroads of the Scots, he laid the region between the Humber and the Tees utterly waste, leaving it a smoking and unoccupied desert. To rule by terror was part of this merciless ruffian's policy. Many of the unhappy inhabitants who escaped the fire and sword, died of famine others who were able to creep sold themselves into slavery to avoid starvation ; and thousands, consisting of all ranks, sought refuge in Scotland, and found a hearty welcome at the hands of Malcolm Canmore.²³⁹

The ruthless William pushed on to the Scottish border, and

²³⁸ *Simon of Durham. Historians of Scotland*, Fordun, pp. 203, 204.

²³⁹ *Saxon Chronicles*, Vol. II., pp. 173-175, Record Edition. *Historians of Scotland*, Fordun, p. 202.

a little beyond it ; he had both a land and naval force. The Saxon chronicle says, in 1072, he and his land force went over the ford, and there they found nothing for their pains. Malcolm met King William and concluded a peace, on the condition that the Scottish king should give hostages.²⁴⁰ Some historians have attempted to show that the King of Scots paid homage to the Norman conqueror on this occasion for the kingdom of Scotland. Such assumptions have really no weight. We know the disposition of the haughty Norman pretty well, and it is quite certain if he could have reduced Scotland to the position of a fief, he would have done it so thoroughly as to place it beyond the reach of all doubt. He never did things by halves, he assuredly would have left tangible marks in more forms than one of his achievement.²⁴¹

It soon appeared that instead of a vassal, the Conqueror had a very troublesome and restless enemy in the person of the King of Scotland. During the reign of the Conqueror and his son, Malcolm invaded Northumberland five times ;²⁴² but these inroads produced little result, and as they are detailed in our common histories, it is unnecessary to enlarge on them.

In 1093, Malcolm entered Northumberland at the head of an army, harrying the country, and attacking the Castle of Alnwick ; but he never returned. He was slain on the 13th of November, along with his oldest son.²⁴³ Thus ended a reign of forty-six years. King Malcolm Canmore was a man of strife, though the rude and tumultuous times in which he lived rendered

²⁴⁰ *Saxon Chronicle*, p. 177. Dr. Skene says that King William marched with his army through Lothian and Stirlingshire, and entered Scotland by the ford over the Forth (*Celtic Scotland*, Vol. I., p. 424). But worthy as his opinions are of consideration, I cannot in this instance agree with him. I do not think that the Conqueror penetrated so far into Scotland.

²⁴¹ *Burton's History of Scotland*, Vol. I., p. 410.

²⁴² *Hexham Priory: Its Chronicles, Endowments, and Annals*, 2 vols., *Sutton Society*, 1864-65. See Vol. I., pp. 177-181, 207, 208, 216, and App., pp. 14-16.

²⁴³ *Saxon Chronicle*, Vol. II., p. 198.

it inevitable ; and at the last he threw his own life into the seething vortex. He ruled the kingdom with energy and ability, and different races and tribes composing the population acquiesced pretty generally in his government. His reign is the first that gave birth to a shadow something like a national spirit, though the flickering tie as yet uniting some of the districts of the kingdom was a very slender one.

On the death of Malcolm Canmore, things looked rather gloomy. Donald Bane, a brother of the late king, succeeded in holding possession of the crown for six months, when he was driven out by Duncan, a son of Malcolm, with the aid of a Northumberland army. Duncan, after reigning six months, was slain by the men of Mearns ; and Donald again came up and reigned three years and a-half.²⁴⁴ Both these kings began to thrust out the English strangers, who had been sheltered and favoured under the government of Malcolm.²⁴⁵ The Celtic population were hardly yet prepared to bow to the dictation of straggling fugitives and adventurers.

In 1097, Edgar, the eldest son of Malcolm by Margaret, was established as King by a Saxon army, led by his uncle, Edgar. He reigned eight years undisturbed, and probably little regarded, by the people beyond the Forth.²⁴⁶

Ere concluding this section, we must cast a glance at the state of society as it existed at the end of the 11th century, and, in a final section, bring together the few remarks it is necessary to make on the fragments of art and literature.

The breaking up of the Roman empire left a large part of Europe in a chaotic state. Amid the wild throbs of the expiring fabric new forces were generated, and the effect of civilisation faded like a dream. Feudalism began to assume shape early in the 9th century, especially in some of the regions now included in France. At the time of the Norman

²⁴⁴ *Historians of Scotland*, Fordun, Introduction, p. 51.

²⁴⁵ *Saxon Chronicle*, Vol. II., pp. 196, 197.

²⁴⁶ *Ibid.*, p. 202. Chambers's *Caledonia*, Vol. I., p. 618.

Conquest it had become pretty complete throughout the Duchy of Normandy.²⁴⁷ When the Conqueror obtained the mastery in England, he laid the feudal usages on with a strong arm, for a time overbearing everything ; but the Saxon stamina, after a protracted struggle, proved too much for the Norman element, eventually absorbing it, head and tail. It has sometimes been asserted that Malcolm Canmore introduced the feudal system into his kingdom, but this does not appear ; indeed, feudalism, like every system, arose gradually, and there is no certain marks of it in Scotland before the 12th century. Then, for the first time, we find officers and titles common to feudalism creeping on the scene. It spread slowly, and was not generally established, even in the centre of the kingdom, until well through the 13th century.

Feudalism has been rather often regarded as a mere system artificially fabricated and adopted,²⁴⁸ whereas it is largely and essentially a rude transitional form of society, more or less manifested everywhere in social development. According to the functionary and legal view of the origin of feudalism, the chiefs of the tribes who overran the Roman Empire, by conferring grants of land on their associates under certain conditions, usually military service, and this finally resulted in the state of society called feudalism. There is truth here,

²⁴⁷ E. E. Crowe's *History of France*, Vol. I., pp. 42, 47-49, 52, 53.

²⁴⁸ "In the dreams of lawyers, as there has been an hereditary king from all eternity, so there has been an hereditary lord of the manor from a time only so far short of eternity as to give the king time to make him a grant. In the realities of history, the king and the lord—that is, the lord on a great scale and the lord on a small one—are each something which has crept in unawares, something which has grown up at the expense of rights more ancient than its own. Each alike, king and lord, grew to his full dimensions by a series of gradual and stealthy encroachments on the rights of the people. As the king swallowed up the powers and the possessions of the nation, so the lord swallowed up the rights and the possessions of the mark. Through the happy accidents of our history, the usurper of the rights of the nation has been changed into an instrument of the will of the nation ; the usurper of the rights of the mark, for whom no such use could be found, has gradually sunk into a shadow" (*Freeman's History of the Norman Conquest of England*, Vol. V., pp. 460, 461).

though nothing like the whole truth, as a complete explanation of feudalism. It does not account for the partial feudalisation of countries where the land was in the hands of free and organised communities, and not at the disposal of a conquering king or chief.²⁴⁹

It was already mentioned that the land, in early times belonged to the clan, or the small community in Scotland, and England, and Ireland, rather than to individuals. Probably we should look for some of the elements predisposing to a change within this state of society itself, as in the exceeding quarrelsomeness of the old little clan and local communities, and the consequent frequency of intertribal war. In those times, when one clan conquered another, the spoil of war generally was the common land of the worsted community. Then either the conquerors took and colonised part of the land, or they took the whole land and restored it, to be held in dependence on the victor clan. The effect of this through its manifold operation would result in the inequality of property. As the common land appropriated and occupied would not be equally divided a certain preference must be given to the members of the clan who had contributed most to the victory. Again, when the land was restored to the conquered clan, the superiority over it which remained to the victor bore a pretty strong analogy to feudal lordship; but this form of headship was not exclusively formed by success in war—there were other ways of creating it. Sometimes a tribe in possession of an extensive tract of common land would send colonies of families to parts of it. Each of these would receive a new patch of land; but whatever remained unappropriated would still be the common land of the head of the community—that is, the king or chief would claim a superiority over it.²⁵⁰ There is very good evidence that the early Kings of Scotland acquired rights in land by the

²⁴⁹ Maine's *Village Communities*, pp. 131-133.

²⁵⁰ *Ibid.*, pp. 143, 144. *Book of Deer*, Pref., pp. 75, 76, 79-82.

means just indicated—though, of course, confederacies of this kind were rather democratic than feudal.

The chief of the tribe or small community often took steps to aggrandise his own family ; and whenever he became able, in his own district, to sever his plot of land from the rest, or even enclose it, the way was opened which might eventually have ended in feudalism.²⁵¹ Such are a few of the elements and circumstances out of which feudalism often arose—elements which, under varying influences, are capable of developing something better than a hard and fast feudalism, as we know it.

The special phase of feudalism foisted upon Scotland will be handled in the next chapter, and throughout the volume, with rather more freedom than heretofore. Meantime some evidence will be adduced to show that there were rights of property in land, and other things, before the advent of this vaunted system.

In the eighth century, Hungus, the Pictish King, granted to the Church of St. Andrews a territory freed from secular services. This grant of land was accompanied by the ceremonial of the “altar sod,” as the mark of its genuineness ; and St. Regulus, with the relics of St. Andrew the Apostle on his head, followed by the King on foot, and the chiefs of his country in solemn procession, marched seven times round the land thus bestowed on the Church.²⁵² Brude, the Pictish King, founded the monastery on the Island of Lochleven ; and it was already noticed that Macbeth and his queen granted land to it free from secular services. There are other early grants by the Kings of Scotland to the monks of Lochleven recorded.²⁵³ Malcolm Canmore, Duncan, and Edgar, Kings of Scotland, granted lands to the Monastery of Dunfermline.²⁵⁴ Though

²⁵¹ Maine's *Village Communities*, pp. 145, 146. *Ancient Laws of Ireland*, Vol. II., pp. 279-283 ; Vol. III., pp. 49-55.

²⁵² *Chronicles of the Picts and Scots*, pp. 186, 187.

²⁵³ *Register of the Priory of St. Andrews*, p. 113.

²⁵⁴ *Register of Dunfermline*, p. 3.

formal charters were not in use, grants and transfers of land were common throughout the kingdom, and sanctioned and confirmed by the old and usual customs of the country.²⁵⁵

There are many entries of grants and gifts of land to the monks of Deer, written in Gaelic, stretching from the end of the 6th to the early part of the 12th century; and this early record proves that individual rights of land had existed for a long time between the Dee and Spey, and doubtless throughout the other districts of the country. Among them we find grants by several mormaers of townlands, which seems to have been their own property; in other cases, the share or part of the mormaer in the lands is only given. Again, it appears that the mormaer and toisech had joint rights in the same land. Cullin mac Baten gave the share of the toisech in Alteri, and Matair mac Caerell gave the share of the mormaer. In one instance the same person is called both mormaer and toisech, so his grant would include the shares of both in the lands conveyed. Comgell, son of Caennech, toisech of the clan Canan, gave to Christ, and to Dostan, and to Columba, as far as the Gortliemo at the hither end, which is nearest to Aldin Alenn from Dobaci to Lurchari, both mountain and field, in freedom from chief for ever. Domnal, son of Ruadre, and Malcolm, son of Culeon, granted Bidbin; while Malcolm, son of Kenneth, King of Scotland, gave the Crown's share in Bidbin and in Pett mac Gobroig, and two davochs of Upper Rosabard.²⁵⁶ There are many other grants recorded in the book, but enough has been stated for the purpose of this work.

The lands in these grants varied in extent. Some of them were merely described as the field of the clerics; of others the extent is minutely determined, when reference is made to the number of davochs, a well-known old measure of land in the north-east of Scotland. The description, "both mountain and

²⁵⁵ *Book of Deer*, Pref., pp. 71-78.

²⁵⁶ *Ibid.*, pp. 91-95.

field," seems to imply a townland of varying size, fixed by the circumstances of the locality, and probably including rights of common.

In these grants there are other interesting points connected with the rights of the Crown, and the condition of the people. The clauses of freedom purport the exemption of the monastery lands from burdens of various kinds. A general confirmation of the grants declares them to be "in freedom from mormaer and toisech to the day of judgment". This freedom was simply an exemption from the customary rents and taxes exigible by these officials from the people over whom they ruled. It was these payments which maintained the polity of the clan; and the consolidation of the kingdom had now arrived at the point when a tax upon all land was exacted to meet the wants of the central government.²⁵⁷

Notwithstanding all the explicit declarations that the lands granted to the monastery were free from mormaer and toisech, the lands of the monks were still liable for their part of the national tax. This was a tax from which no land, in early times, was ever relieved.²⁵⁸ It might be paid in different ways—in military service, or a portion of the stock and produce of the soil; but paid in some form it inevitably was everywhere.

To sum up the preceding facts, the right of property in land had been established, and the various interests in its produce for national and local purposes, as vested in the king, the mormaer, the toisech, and the community, were recognised and defined. Divisions of land into davochs and townlands were made, and a tax imposed on it for the exigencies of the state.²⁵⁹

²⁵⁷ *Book of Deer*, pp. 91-95, and Preface, pp. 82-89.

²⁵⁸ *Ibid.*, p. 95, and Preface, pp. 100-104.

²⁵⁹ *Sculptured Stones of Scotland*, Vol. II., Preface, p. 11. The rents paid by the people, or the occupiers of the land, was, of course, a customary rent, due to the local chiefs, and other headmen of the tribe, and consisted of a part of the produce—cows, sheep, pigs, corn, and the like. As to the mode of the tenant's tenure, I can hardly venture on any statement. Probably, in many instances, the stock was given by the chief, the toisech, or other member of the tribe, to

Reference has repeatedly been made to the prolonged efforts of the Kings to overcome the local chiefs, but it should be stated that the annexation of a district to the Crown did not imply the uprooting of the existing state of society. The early Kings of Scotland were rarely strong enough to play at such a game, and annexation to the Crown, in those days, simply meant the submission of the chief of a district and his population to pay more or less of a tax to the central government. It is pretty clear that the people and institutions of Buchan, and between the Dee and Spey, from the seashore to the heart of Badenoch, were wholly Celtic in the reign of David the First.²⁶⁰

At this period the kings of Scotland hardly commanded legislative or executive power. When they acted as legislators it was by the agency of a ruler of a district, in short, a local chief. Then, and throughout, the kings of Scotland had little real power, compared with that wielded by the English and French monarchs at a corresponding epoch. The country was separated into several districts where the inhabitants followed their own local customs and usages, governed by their own chiefs who could not be appointed, nor displaced by the behest of the king. As yet, there was scarcely a recognition of central power with a right to frame laws for the whole kingdom, even where the authority of the king was acknowledged; it was often resisted, as there was no means at hand to enforce it.

At the end of the eleventh century the Celtic races still occupied the greater part of Scotland, their language prevailing more widely than any other. Though there were many Saxons in the south and partly spread along the eastern coasts, and

their tenants. This kind of land tenure prevailed extensively in Ireland; steel bow tenancy, which resembles it, was known in Scotland until recent times (see *Ancient Laws of Ireland*, Vol. II., pp. 194, 341). I may mention here that there was much care and humanity shown in the early Irish laws for all the members of the tribe who were unable to support themselves from age, or any other cause. In this matter the early law is better than the modern

²⁶⁰ *Book of Deer*, pp. 93-95, and Preface, pp. 58, 79.

in the long roll of five centuries of contact, had partly commingled with the Celtic population, but not so completely as to sink their own speech and customs.²⁶¹ It was different in the west and the western islands, where immense shoals of Danes and Norwegians were absorbed by the Celtic race, whose tongue has continued in these regions.

How many of our towns as yet existed cannot be ascertained. That many of them did exist long before the era of granting charters, is unquestionable. They were not the sudden creation

²⁶¹ Opinions vary much as to the quantity of Celtic words in the English language. "To one acquainted with the history of Great Britain, the comparative insignificance of the Celtic element, both as respects the grammar and vocabulary of English, is a surprising fact, and the want of more distinct traces of Celtic influence in the development of the continental languages is equally remarkable." Marsh's *Lectures on the English Language*, p. 136. 1861. A similar view is entertained by Dr. Freeman. "When the English conquered Britain, they kept their own tongue, borrowing only a handful of words from the British tongue. When the Romans conquered Gaul, the mass of the natives gradually adopted the Latin language, bringing with them only a handful of words from their own tongue. But when the Franks conquered Gaul, and when the Normans conquered England, in both cases the conquerors gradually adopted the language of the conquered. In each case in adopting the language of the conquered, they brought into it an infusion of words from their own language and an infusion far greater than the handful of words which English has borrowed from the Celtic of Britain, and French from the Celtic of Gaul." *The History of the Norman Conquest of England*, Vol. V., pp. 550, 551.

On the other side, Garnett, in his essay on the Languages and Dialects of the British Islands, has furnished a formidable array of current English words and terms, which he holds were adopted from the Celtic inhabitants of the Island. And he declares the examples that he has produced, are not a tithe of what might be alleged as derived from the Celtic. Garnett's *Philological Essays*, edited by his son, 1859, pp. 160, 175 *et seq.* Mr. Morley also recognises a pretty large element of Celtic in common English speech. But, of course, in several of the dialects of England and Scotland, there are far more Celtic words than in literary English. In the common speech of Banffshire and Aberdeenshire there are many Celtic words. Morley's *English Writers*, Vol. I., pp. 162-167. See also J. F. Campbell's *Popular Tales of the West Highlands*, Vol. IV., pp. 351-357.

Regarding the limits of the Gaelic at a later period, Dr. Murray says—"At the War of Independence, I think it probable that it extended to the Ochil and Sidlaw Hills, and that north of the Tay the English was limited to a very narrow strip along the coast" (*Dialects of the Southern Counties of Scotland*, p. 236. 1873).

of any king, but the slow result of a prolonged struggle and hard battle with many difficulties. Some of our most ancient towns owe their origin to the mouth of a river, or an arm of the sea. These were the places where the people carried on any little trade they had, with the scanty means at their command. Such towns are as old as anything like society among us, and probably stretching back to a time long before any of the recorded events of our history.²⁶² Markets arise at a comparative early stage of society,²⁶³ and they must have been common in Scotland at the end of the eleventh century.

Throughout this stormy period the religious houses suffered severely from the ravages of the Danes and Northmen. The discipline of the monasteries themselves declined, and their usefulness became impaired. This must always eventually happen to monasticism, as its essential principle is socially and morally defective and cramping. The lands and dues which had been granted for religious purposes, were largely secularised and diverted from their original end.²⁶⁴ Yet, the number of churches seems to have increased. In the reign of Malcolm Canmore a monastery was founded at Dumfermline, and about the same time the church of Iona was rebuilt, which had been destroyed by the Northmen.²⁶⁵

At this time we are told that the people of Scotland did not

²⁶² *Ancient Laws and Customs of the Burghs of Scotland*, Pref., p. 44.

²⁶³ "In order to understand what a market originally was, you must try to picture to yourself a territory occupied by village communities, self-acting and as yet automatus, each cultivating its arable land in the middle of its waste, and each, I fear I must add, at perpetual war with its neighbour. But at several points, points probably where the domains of two or three villages converged, there appears to have been spaces of what we should now call neutral ground. These were the markets. They were probably the only places at which the members of the different primitive groups met for any purpose except warfare, and the persons who came to them at first, were persons specially employed to exchange the produce and manufactures of one little village community for those of another." Maine's *Village Communities*, p. 192.

²⁶⁴ *Book of Deer*, Pref., p. 105, *et seq.*

²⁶⁵ *Register of Dunfermline*, p. 3. *Historians of Scotland*, Vol. VI., p. 182. Introduction, App., No. 4, p. 350.

Keep the Lord's day, but followed their usual occupations as on other days, and efforts were then made for the observance of the first day of the week. The institution of marriage was far from being on a proper footing among the clergy or the people. Marriages within the forbidden degrees obtained among them, and the custom of selling wives was not yet extinct in Scotland; indeed long after this, the ties of wedlock were little respected.²⁶⁶

The church often attempted to regulate and enforce marriage as a public and solemn institution, but its efforts were only partly successful. It came into contact with various habits in connection with the intercourse of the different sexes, which it was extremely difficult to overcome.²⁶⁷

It is hardly necessary to say that religion and morality were still in a dim and low state. The dominant feeling and spirit from the kings and chiefs downwards throughout the people, was characterised by a robust sort of liberty, rather ferocious according to modern ideas, but it contained the germ for development. And it is only justice to recollect that it is the fierce side of their character alone that is presented in the pages of the chronicles. That they were exposed to many evils and hardships is palpable enough; nevertheless, there is evidence that they had also their moments of enjoyment. A strong and undeveloped nature need not be an unhappy one, nor a semi-civilised community necessarily without its balance of pleasure and enjoyment. Although we have no exact gauge of happiness, it is clear that its degrees do not always coincide with the degrees of prosperity and intelligence, the increase of wealth and intelligence too often only brings more care and vexation to its possessor. It is true, the advance of civilisation leaves more than one admirable feature of barbaric life behind it; but that the civilised man and the civilised nation occupy a

²⁶⁶ *Statuta Eccles. Scot.*, Vol. I., pp. 24, 309, 310. Haile's *Annals*, Vol. I., p. 46.

²⁶⁷ *Statuta Eccles. Scot.*, Vol. II., pp. 36, 37, 42, 58, 59, 60, 68.

better and higher stage of life, and a more varied range of enjoyment and happiness, few philosophers would be disposed to deny.

Section X.

REMAINS AND FRAGMENTS OF EARLY ART AND LITERATURE

We have seen that the first churches in Scotland were made of wood, wattles, and other light materials. There are few remaining fragments of church buildings in this country older than the 12th century, excepting various specimens of rude stone chapels or cells. Among the Western Islands and some parts of the mainland, little crypts roughly faced with stones and covered with heavy slabs are found, and regarded by the people as the first retreats of the holy men who spread the gospel among their forefathers. Besides, there are open caves bearing the names of early Irish and British saints, here and there marked by some religious feature, an altar, a cross, or the like; others are fronted by small ponderous buildings of uncemented masonry, which tradition also assigns to a remote period. It was already mentioned that some of the caves were associated with the names of the early saints and missionaries who were engaged from the 5th to the 9th century spreading the gospel among the tribes of Scotland. The walls of these are covered with memorials of their devotion in the form of numerous small crosses sculptured on the rock.²⁶⁸

Other vestiges of primitive church buildings are of the beehive-shaped class. They are mostly found in the Islands, and show that those who erected them had only very limited means at their command. They are generally built without mortar or lime. A small dome frequently occurs, but it is doubtful if the builders had a clear idea of the arch. Altogether a considerable number of these small rude cells have been found

²⁶⁸ Muir's *Characteristics of Old Church Arch.*, pp. 2, 56. 1861. *Sculpture Stones of Scotland*, Vol. II., Appendix to Preface, pp. 87, 88, *et seq.*

among the Western Islands.²⁶⁹ There is, however, some doubt regarding the antiquity of these domed cells ; it is known that similar erections were used as dwellings by the people of the Islands until a recent period.²⁷⁰

An interesting type, the round towers, are probably not later than the 11th century. We have only two examples of them in Scotland—one at Abernethy, and the other at Brechin. They exhibit a striking resemblance to the round towers of Ireland. The Pictish chronicle records the founding of a church at Abernethy in the latter part of the 5th century, but it is likely this was a wooden building, and it was several centuries later before the foundation of the round tower was laid. The remaining portion of the tower is about seventy feet high, but only the lower part is believed to be of the 11th century. The nether part is mostly built of hard grey sandstone, while the rest of the tower is done in red freestone. The doorway is about seven feet up, from the base ; the arch head is cut out of a single stone, with polygonal sections on its upper angles, and the converging jambs finished by a projecting flat band carried round the sweep of the arch.²⁷¹

The round tower of Brechin is a piece of excellent work. Its dimensions rather exceeds that of Abernethy. The masonry is of a massive character. The stones are well hewed, and fitted to each other with remarkable neatness ; the courses are mostly horizontal, though with some irregularity, and the joints not uniformly vertical. The chief peculiarity of this tower is the sculptured doorway. "Its dimensions are as follows:—The breadth at the spring of the arch is 1 foot 7½ inches, and at the base 1 foot 11 inches. The height of the entrance to the centre of the arch is 6 feet 1½ inch, and the entire height of the door-

²⁶⁹ Muir's *Characteristics of Old Church Arch.*, pp. 141, 143, 205, 206.

²⁷⁰ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VII.

²⁷¹ Wilson's *Prehistoric Annals of Scotland*, Vol. II., pp. 275-278. *Sculptured Stones of Scotland*, Vol. II., Notices of the Plates, pp. 1, 2. It may be gathered that Dr. Stuart considers the round tower of Brechin to be at least as early as the 11th century.

way from the base of the external ornament to the summit of the crucifix which surmounts the centre of the arch is 8 feet 11½ inches.”²⁷² In its day it was a great work of art, but the hand of time has rendered the sculptured figures on it somewhat indistinct.

The rude unsculptured stones common in Scotland and other countries were already noticed. And something was said touching their original use as memorials of events or monuments of the departed; while it was indicated that, in a strict sense, it was impossible to tell exactly what purpose they were intended to fulfil. We have now to handle a somewhat analogous but a later and more advanced class of monuments, known as the Sculptured Stones of Scotland. The transition from the rough and unsculptured pillar to those we are about to consider is not abrupt and sharply marked off, the second class of memorials naturally by slow degrees follow the first. In the progress from the one to the other, figures are first incised in the unhewn stone; then with the gradual advance of the art comes the dressed surface of the stone on which to sculpture the figures and ornaments.²⁷³ A full examination of everything connected with these stones would far exceed the limits of this history, and only the points which have an ethnic, artistic, and ethic bearing on the people come within my compass.

The early sculptured pillar stones are generally of granite—

²⁷² Wilson's *Annals*, Vol. II., pp. 380, 381.

²⁷³ “In Scotland the transition from the unsculptured pillar is less marked than in Ireland, by inscriptions of the name of the person of whom it is said to be the stone. We have two examples of stones in Scotland with inscriptions in Roman letters of debased character, one of which is situated near the Kirk of Yarrow, and the other is the Catstone of Kirkliston. . . . We have also a pillar at Knockando, with an inscription in Runic recording a man's name—Siknik—but it is probably of a later period than those just referred to. One of our early incised pillar stones contains the symbols with an inscription in Oghams, the latter recording, it may be thought, the name of the person of whom the pillar was erected; but generally the symbols alone seem to mark the first idea of sculpture in the progress from the rude pillar” (*Sculptured Stones of Scotland*, Vol. II., Preface, pp. 47, 48).

or whinstone, and undressed, with the peculiar symbols always incised and almost invariably on one side only. Upwards of seventy stones of this class are figured in the two volumes of the Spalding Club; in all there are eighty without any cross on them. None of them are found south of the Forth; and only three in the district between the Tay and Forth; six between the Tay and the Dee; thirty-six between the Dee and the Spey; and twenty-one in the region northward of the Spey. In these districts there are also forty-three upright slabs, with both faces sculptured. They are generally of sandstone, and most of them are more or less dressed. On these, the peculiar symbols are figured along with the crosses of varying design and elaboration. Twenty-seven are found between the Forth and the Dee; six between the Dee and the Spey; and ten to the north of the Spey.²⁷⁴

Hitherto no similar symbols to those on the early Sculptured Stones of Scotland have been discovered in any part of England, Ireland, nor anywhere else. These symbols have been named according to their shape and supposed resemblance to some known and common object. A few of them may be mentioned, as the crescent, the spectacle, the sceptre, the serpent; the two first are each represented on the stones in upwards of thirty varieties. The horse-shoe, the elephant, and other more commonplace objects, as the comb, the mirror, and mirror-case. These symbols and figures occur on the stones in all sorts of combinations and positions; often exhibiting a curious and comical representation of lines, curves, angles, and rare spiral and whirl ornaments.²⁷⁵

It has been naturally inferred that the incised pillar stones with their symbols, succeeded the rough unsculptured standing

²⁷⁴ *Sculptured Stones of Scotland*, Vol. I., pp. 6-8; Preface, Vol. II., pp. 74, 75; App. to Preface. The symbols occur on a fragment at Edinburgh, and once on a rock in Galloway.

²⁷⁵ *Ibid.*, Vol. II., Appendix to Preface, pp. 74-76, Illustrative Plates, No. 14-25.

stones, common throughout Scotland. And that Christian emblems were frequently put upon pillar stones previously existing.²⁷⁶

The date of the incised stones with their peculiar figures is a point of moment. Though we cannot fix the period of the pillars with incised symbols, probably most of them belong to pre-Christian times. But it is plain that the curious symbols of the unhewn pillar stones were continued into Christian times; as they appear in sculptures where the main feature is the Christian cross. This need not surprise us, for the teachers of Christianity here and everywhere adopted or continued many of the pagan usages and arts around them. The monuments of the Christian period are commonly formed of dressed slabs, with sculptures on both sides. On one face of the stone, a cross in the centre, covered with ornamental work of intricate and varied patterns; and with the old figures still retaining their original outline, as on the pillar stones, but now often overwarped by ornaments belonging to the cross model.²⁷⁷

From an examination of the various circumstances and associated facts, which need not be detailed here, it is concluded that the age of the monuments containing the figures of the pillar stones with the symbols of the cross, was a transitional one. That the erection of crosses of this class prevailed in Scotland in the 8th century.²⁷⁸

As stated above, the rough incised stones and the crosses with the peculiar figures on them, are scattered over the country, ranging from the Forth to the Orkneys. And this, as we have seen, was the land of the Picts. As these stones and their peculiar symbols are found only in those regions, in no other part of Britain or anywhere throughout the world, they must have been sculptured and erected by the people in the

²⁷⁶ *Sculptured Stones of Scotland*, Vol. I., Preface, p. 2.

²⁷⁷ *Ibid.*, Vol. I., pp. 2, 3, Vol. II., Preface, pp. 5-7.

²⁷⁸ *Ibid.*, Vol. II., pp. 8-10, and Notices of the Plates, pp. 70-72.

localities where they occur. It is therefore a fair deduction to hold that they are the work of the Pictish people.²⁷⁹

We are told the Britons were accustomed to paint their bodies before the Roman occupation; and later that they painted and punctured themselves with the figures of all sorts of animals.²⁸⁰ And some of our more early chronicles, trace the name of the Picts to their custom of painting and tattooing their bodies.²⁸¹ If then the Picts were in the habit of painting their skins, and drawing animals and ornaments thereon; it is natural to expect an aptitude to represent similar objects on their monuments, when the progress of art among them led to sculpturing on stones.²⁸²

Touching the meaning of the peculiar figures on the Sculptured Stones of Scotland, the crescent, the spectacles, and others, different views are entertained. From all the facts and circumstances connected with them, it is most reasonable to consider them objects of personal ornament, along with the articles of common and every-day use, as the mirror and comb, shears, brooches, books, and horse-shoe, which occur together on the stones. Since the last can hardly be supposed to denote anything very occult, there is no good reason for holding any of the figures on the stones to represent things more hidden than marks of rank, office, or descent of individuals. Thus a clean sweep is for ever made of the absurd mode of interpretation which regards every thing that cannot be comprehended at a glance, as impressed with some mysterious and mythic significance; inventing meanings, and ascribing ideas to the people of those times, which probably never entered into their minds.²⁸³

²⁷⁹ *Sculptured Stones of Scotland*, Vol. II., Preface, pp. 4-20. *The Orkney-inga Saga*, Intro., pp. 18-20, Edinburgh, 1873.

²⁸⁰ *Ibid.*, Vol. II., Appendix to Preface, pp. 4, 5.

²⁸¹ *Chronicles of the Picts and Scots*, pp. 3, 33, 395.

²⁸² *Sculptured Stones of Scotland*, Vol. II., Preface, p. 34.

²⁸³ *Ibid.*, pp. 22-33, Appendix to Preface, pp. 1-12. *Proceedings of the Society of Antiquaries of Scotland*, Vol. X., pp. 333-347, 637-640.

It must be palpable to all unbiased by a theory, that the old stones exhibit rather much of the life and spirit of their age, to admit the far-off notion that a few of the curious figures sculptured on them involved the system of Buddhism, and other eastern religions.²⁸⁴ It is, however, only a phase of the habits of thought congenial to some minds, which brings every art from the East; but unfortunately the symbols of the Scotch stones cannot be found in that fabled region. Consistency and logical sequence is no element in such modes of thought, and from the East it will bring them still, though no similar figures ever existed there—so hard and difficult is it to root out a deep-seated delusion.

The purpose of the sculptured pillar stones and crosses was sepulchral and memorial, though probably not exclusively. In some instances they may have been intended to commemorate real facts and occurrences. Many of them bristle

²⁸⁴ *Sculptured Stones of Scotland*, Vol. II., Appendix to Preface, pp. 19-21.—There is an able Essay in the eleventh volume of the *Proceedings of the Society of the Scottish Antiquaries*, by Joseph Anderson, keeper of the Museum, “On the survival of pagan customs in Christian burial; with notices of certain conventional representations of Daniel in the Den of Lions, and Jonah and the Whale, engraved on objects found in early Christian graves, and on the Sculptured Stones of Scotland, and Crosses of Ireland”.

The subject is judiciously discussed by Mr. Anderson. It is, however, a wide and intricate one, and the few words of my comment are limited to the Sculptured Stones of Scotland.

Mr. Anderson points out seven of the later Scotch Stones, in which he supposes Daniel and the Lions are represented. Certainly there is the figure of a man and Lions found together on the Scotch stones; but whether these figures were intended to represent the Bible Daniel in the Lions’ Den, cannot be known as a fact. It can only be known by a process of comparative inference. And I am far from sure that Mr Anderson has complied with the rules of logic in arriving at his conclusion. The analogy is somewhat remote, as he himself recognises; though if I could see evidence that the figures were intended to represent Daniel and the Lions’ Den, I would readily acknowledge it.

Touching Jonah and the Whale, Mr. Anderson could hardly find a clear example on the Scotch Stones.

I have no doubt at all that there may be scenes representative of things from Scripture on the Scotch Sculptured Stones; but I do not think such scenes are often figured on them. *Proceedings*, Vol. XI., pp. 400, 406.

with life and action, quite in harmony with the spirit of the age.

The scenes represented on these stones are many and varied. There are men on horseback, armed with spears and round shields, fighting with each other; men striking with axes; men in file, armed with round shields, and dressed in rich bordered tunics; men shooting with bows and arrows; scenes of warfare and slaughter in great variety. Processions of men, tonsured churchmen in procession, with candle and staff. Oxen in procession, a man leading an ox, followed by other men in line. A man slaying an ox; a man attacking with a flail. A scene representing a procession of men, a man beheaded, and a man surrounded by different animals; and on the other face of the stone there are twelve figures, probably churchmen, and a confused collection of men's heads. A man attacked or fondling with four lions; men tearing open the jaws of lions. A man bound with ropes. Birds of various sorts, often the eagle; a fish with the head of a horse; men with birds' heads, and men with beasts' heads. Apes, grotesque monsters devouring men and each other.²⁸⁵

Hunting and hawking scenes, sometimes chasing the deer, at other times hunting the boar. Dogs resembling gray hounds, and dogs with collars on their necks. A man shooting a bear with a bow and arrow. A doe suckling her young cubs, a bird preying upon a fish.²⁸⁶

Other scenes represent men seated on chairs. Sometimes the chairs are carved, and its occupant having on one side the mirror and comb, and on the other something like a sword. A chariot drawn by two horses, driven by a man in front, and two figures in it. A female on horseback with a plaited dress, and near her the mirror and comb. There are men playing the harp; and in one case, the harper is seated in a well-shaped

²⁸⁵ *Sculptured Stones of Scotland*, especially the plates in Vol. I., throughout Preface, Vol. I. pp. 7, 8, Vol. II., Appendix to Preface, pp. 18, 19.

²⁸⁶ *Ibid.*, Vol. I., plates 26, 46, 16, 29, 52, 69, 76., Vol. II., plate 16.

chair. The harp also occurs alone. Men blowing on trumpets resembling the Irish bronze trumpets.²⁸⁷

Dr. Stuart remarked that many of the pictures on the stones portray actual occurrences; and in this I fully concur. That, in the main, the representations just noticed indicate the life and spirit of the age, there is not the slightest reason to doubt.

The harp shows there was some instrumental music among the people. This, under any circumstances, marks an important stage in human progress. Long before the end of the 11th century, other simple musical instruments were known and used by the people. The whistle, the horn, the hornpipe with a reed, into which the air is blown. Another rude instrument the reed and bladder, from which springs the bagpipe with its chord of drones, and chanter, which requires a little more skill to make.²⁸⁸

The smiths' anvil, a hammer, and tongs, occurs on several of the stones,²⁸⁹ and may be taken to indicate workers in metal. A notice of a blacksmith appears in the legend of St. Moloch, the patron saint of Lesmore, and a pupil of St. Brandon, who died 592. The shears is figured on a few of the stones, along with the comb and mirror.²⁹⁰ The shears is found more frequently on the crosses of Argyleshire, and the Islands; but they are of later date than those under review.

Combs of various kinds are often found in Scotland. Among the debris of the brochs, the kitchen middens, and the hut circles. The long handed combs, made of bone or deer horn are elongated in shape, with one side thick and blunt, the other bevelled, and toothed, the blunt end and body of the comb

²⁸⁷ *Sculptured Stones of Scotland*, Vol. I., plates 25, 43, 47, 58, 64, 70, 76, 80, 82; Vol. II., plate 80. See also the remarks of Dr. Wilson, *Prehistoric Annals of Scotland*, Vol. II., pp. 234-236.

²⁸⁸ *Ancient Scottish Melodies*, Edited by W. Dauny, 1838. Introduction, pp. 129-131.

²⁸⁹ *Sculptured Stones of Scotland*, Vol. I., plates 47, 49, 93, Vol. II., Preface p. 24.

²⁹⁰ *Ibid.*, Vol. II., plate 78, Preface, p. 24, Appendix to Preface, pp. 6, 7.

together, form the handle. They are generally from four to five inches long, the number of teeth varies. It is supposed these combs were used in the weaving craft, for carding the wool, and beating in the weft. An implement similar in form, made of wood, with iron teeth, is at present universally used for beating in the weft, in the weaving process, in all the jails throughout the district of Bombay.²⁹¹

A few combs, some wholly and others partly made of bronze, have been found in Orkney. They have finely cut teeth on both sides, exactly resembling those figured on the Sculptured Stones of Scotland.²⁹²

The early Britons wore their hair very long. In the 10th century the Scots are said to have had plaited hair.²⁹³ It will be remembered that the heads of the fallen Scots, whose hair the king commanded the ladies to plait, and hang round the walls of Durham, must have been pretty long. On some of the stones men are represented with flowing ringlets and long moustaches.²⁹⁴ In early times long hair was the mark of freedom; slaves were not allowed to wear their's long. When one was emancipated in those days, he got a cap of liberty to hide his former servile position, until nature provided him with the external token of freedom—flowing locks.²⁹⁵

²⁹¹ *Proceedings of the Society of Antiquaries of Scotland*, Vol. IX., pp. 133, 144, 145, 548-561.

²⁹² *Ibid.*, Vol. VII., p. 71.

²⁹³ *Sculptured Stones of Scotland*, Vol. II., Appendix to Preface, p. 6.

²⁹⁴ *Ibid.*, Vol. I., plates 61, 77, Vol. II., plate 103.

²⁹⁵ "Long and flowing hair was at first evidence that the wearer was a noble, and always that he possessed unforfeited and unimpeached all the rights of an Anglo-Saxon freeman. It conferred dignity on the wearer, and the highest and most illustrious were proud of it. It was the distinction in which the Carolingian Kings of France most gloried; and Harold, Fairhair, and Canute the Great, considered that the length and beauty of their hair added to their lawful claims to popular admiration.

"In the earliest periods, beards and moustaches were worn of immense size, and were particularly esteemed by such of the population as were of British descent. The want of them was considered by the laity as a mark of weakness and vulgarity, and by the clergy as evidence of effeminacy and dissolute life.

Probably some of the incidents connected with the punishment of crime, especially military discipline and punishments, are survivals of the custom that doomed the slave to have his hair cut short. When I served in the British Army, it was a rule that every man below the rank of a commissioned officer, who was tried and convicted by a court martial, and sentenced to what was known in the ranks as "the cells," the first and the last part of his punishment was to crop his hair and beard as short as possible. Though the loss of the hair is here a part of the punishment of an offence, it still showed that the individual was for a time completely deprived of his liberty, and degraded. If we remember the relation of slavery and war in early times, that captives and conquered enemies were often reduced to it, the suggestion will appear natural. /

Concerning the art of the pillar stones and crosses: the figures on the pillars are formed by single incised lines, with little ornamental work of a definite style. The floriated ends of the sceptre appears in varied forms; and attempts to represent the feathers of a bird by a set of angular lines, and by long flowing lines and circular figures. On some of the pillars the crescent and fibula, the mirror and case, and the spectacles, are filled up with ornamental patterns, which are sometimes formed of curved lines and circles with dots in the centre; while on others we see traces of the spiral ornament, which afterward formed a marked feature in the decoration of the crosses, and the illumination of early Celtic manuscripts, and the bronze ornaments of a later period of Celtic art.²⁹⁶

The Anglo-Saxon priesthood persisted in wearing them, in defiance of canonical prohibition; till Dunstan compelled them to shave in an orthodox manner.

"If the right of wearing long hair was important to men, it was doubly so to women; for with them it was not only a mark of rank, but of chastity. Every young free woman, while unmarried, was said to be in her hair, which she wore long and loose; and when she married, she was required to dress it in a different manner. If she misconducted herself, it was cut off altogether," *Ibid.*, pp. 7, 8. There is some curious information touching this matter, in the *Ancient Laws of Ireland*.

²⁹⁶ *Ibid.*, Vol. II., Appendix to Preface, p. 77.

As no sculptures agreeing with the symbol figures of the Scotch pillars have yet been discovered, we cannot associate their style with any other. Though when introduced on the cross pillars they frequently partake of the same ornamental patterns as the crosses themselves, we recognise an identity of style between the ornamental patterns and the illuminations of the early Irish manuscripts of the Gospels.²⁹⁷ The date of some of the illuminated Gospels is well ascertained, ranging from the 7th to the end of the 10th century. No trace, however, of any of the symbols of the Sculptured Stones has ever been observed in any of the illuminated manuscripts.²⁹⁸

The chief aim of this style was the attainment of symmetrical decoration. We see this in the stiff and lifeless representations of the human figures, even hideous deformities, which appear on Irish illuminations, while the ornamental work was designed and executed with remarkable correctness and finish.²⁹⁹

²⁹⁷ *Sculptured Stones of Scotland*, Vol. I., p. 77 ; Preface, p. 12.

²⁹⁸ *Ibid.*, Vol. II., Appendix to Preface, pp. 79, 80.

²⁹⁹ *Ibid.*, p. 78. "The peculiarities of the Irish style consists, first, in the entire absence of foliage or other phyllomorphic or vegetable ornament, the classical acanthus being entirely ignored ; and secondly, in the extreme intricacy and excessive minuteness and elaboration of the various patterns, mostly geometrical, consisting of interlaced ribbon work, diagonal or spiral lines, and strange monstrous animals and birds, with long top-knots, tongues, and tails intertwined in almost endless knots. The most sumptuous of the manuscripts—such, for instance, as the Book of Kells, the Gospels of Lindisfarne and St. Chad, and some of the manuscripts of St. Gall—have entire pages covered with the most elaborate patterns in compartments, the whole forming beautiful cruciform designs, one of these facing the commencement of each of the four Gospels. The labour employed in such a mass of work must have been very great ; the care infinite, since the most scrutinising examination with a magnifying glass will not detect an error in the truth of the lines or the regularity of the interlacing, and yet with all this minuteness, the harmonious effect of colouring has been introduced." (O. Jones's *Grammar of Ornament*, p. 3, quoted in *Sculptured Stones of Scotland*, Appendix to Preface, p. 77.)

"Mr. Westwood says, the principles of these most elaborate ornaments are, however, but few in number, and may be reduced to the four following :—1st, One or more narrow ribbons diagonally but symmetrically interlaced, forming an endless variety of patterns. 2nd, One, two, or three slender spiral lines, coiling

Though the ornamentation of the early Irish illuminated manuscripts closely resembles that of the cross pillars of Scotland, as in some of the great crosses, one might almost think he was examining a page of an illuminated volume. Yet the different mode of representing the human figure and forms of animals on the Scotch stones is very remarkable, and presents a striking contrast to the puerile, stiff, and lifeless attempts of the same kind in early Irish art.³⁰⁰

Some of the human figures on the Scotch cross pillars are well brought out, and the drapery and the accessories represented with grace and freedom. Many of the horses on our stones are sculptured with much spirit and truth; we can discern the ornaments of the bridles and reins, and the peaked saddle cloth on which the rider sits without stirrups. The horses sometimes appear with long tails, at other times with short. In the hunting scenes the deer and the dogs are frequently exceedingly well and naturally sketched.³⁰¹

one within another till they meet in the centre of the circle, their opposite ends going off to other circles. 3rd, A vast variety of lacerative animals and birds, hideously attenuated and coiled within one another, with their tails, tongues, and top-knots forming long narrow ribbons irregularly interlaced. 4th, A series of diagonal lines, forming various kinds of Chinese-like patterns. These ornaments are generally introduced into small compartments, a number of which are arranged so as to form the large initial letters and borders or tessellated pages with which the first manuscripts were decorated." *Sculptured Stones of Scotland*, Vol. II., App. to Pref., p. 77.

"It is interesting to compare these Irish illuminations with those of the *Book of Deer*, which may be presumed so be a work of Scotch art of a period not later than the volume of MacDuran (he died in 927, so the age of his work is the early part of the tenth century), and it will be remarked in the specimens here given, Illustrative Plates, 5, 6, 7, and 8, that the ornamental patterns composing the surrounding borders, are identical with those on many of the crosses, and that the design of the latter is, in some cases, the same as that of a page of the manuscripts, showing a rich border round the margin of the stone with pictorial representations inside. The peculiar art of the Irish illuminations and the Scotch crosses is found on many bronze relics of the early Christian period, as well as on those of an earlier age." *Ibid.*, p. 81.

³⁰⁰ *Ibid.*, Vol. II., App. to Pref., p. 20.

³⁰¹ *Ibid.*, Vol. I., Pref., p. 7. Plates 25, 26, 55, 61, 46, 60, 63, 67, 69, 74, 76, 29, 126; Vol. II., App. to Pref., pp. 18, 19. Plates, 2, 4, 12, 16, 129.

The ornamental style of the crosses was wrought on the metal work of the period. And of these a few relics yet remain in the shape of brooches, and pins, and other objects.³⁰² This style of decorating continued long among the Celtic people of Scotland; on many of their weapons and personal ornaments it is seen up to a recent period.³⁰³ And at this hour it is still discernible, though much intermingled with other forms.

Dr. Stuart thinks most of the crosses on the west coast of Scotland and the islands are of the 15th and early part of the 16th centuries.³⁰⁴ Some other authorities set down the Argyleshire and west Highland crosses as a century or two earlier,³⁰⁵ but all deem them to be several centuries later than the pillar stones, and early cross pillars of the east coast. They are characterised by a graceful form of foliage which does not appear on the earlier stones, a higher development of the knot work, and the scroll work, in great richness and variety.

Crosses in caves were already mentioned, and figures cut on the walls of caves in Fifeshire, the island of Arran, and other places, are found resembling the symbols of the pillar stones. But, as might be expected, the character of the cave sculptures is less finished than the pillars, the figures and lines are slightly and irregularly incised, more scratchy and sketchy than those on the stones and crosses.³⁰⁶

Concerning the dress of the persons represented in the stones, there is little available for my purpose. Many of the men on horseback, and some of those on foot appear dressed in

³⁰² *Sculptured Stones of Scotland*, Vol. II., App. to Pref., p. 82-84. Illustrative Plates, pp. 11, 13.

³⁰³ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VIII., pp. 304-309; Vol. IX., pp. 185-189, 534, 535; Vol. VII., pp. 334-337; Vol. X., pp. 587-589.

³⁰⁴ *Sculptured Stones of Scotland*, Pref., pp. 48, 49. App. to Pref., p. 85.

³⁰⁵ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VIII., p. 120; Vol. IX., pp. 24-28; Vol. X., pp. 216, 217. J. P. White's *Archæological Sketches*, Kintire, pp. 62, 73, 1873.

³⁰⁶ *Sculptured Stones of Scotland*, Vol. II., Pref., pp. 41-44. App. to Pref., pp. 87-94. Illustrative Plates, 27-39, inclusive.

a hooded kind of cloak ; there is, however, considerable variety in the dress of the human figures exhibited. The legs generally are not much encumbered, so their natural shape is often very well shown. The feet present little remarkable, except in one case, on a fragment found at Meigle, Perthshire, there is a figure of a man on horseback and on his foot a large well cut boot.³⁰⁷

The head-dress is rather puzzling, it often looks like a narrow coil with a peak before and behind. One figure dressed in a long coat has on his head something resembling a low-crowned and broad-rimmed hat.³⁰⁸

Duncan II., as we have seen, reigned a short time, and he used a seal. Its impression is appended to a charter still in the Treasury of Durham Cathedral, with the date 1096. The design represents the king on horseback armed, a conical-shaped helmet protecting his head, in his right he holds a lance with a pennon of two points, and in his left a kite-shaped shield. A plain large saddle secured only by the breast leather. King Edgar also used a seal, which is preserved in the same place. This king is represented sitting on a throne or stool of state, the legs terminating in eagles' claws. He has a crown upon his head, and arrayed in robes. He holds a sceptre in his right hand, resting the end of it on his knee, and in the left a sword, the handle resting in the same way.³⁰⁹ From this time we have a complete succession of the Great Seals of the kingdom, and in the 12th and 13th centuries there are many belonging to the nobles and the churchmen. As they afford side lights of the costume and art of the times, they will be described in their place.

Whether there was a coinage in Scotland before the 12th century cannot be determined. There was coined money circulating in the country many centuries earlier than that

³⁰⁷ *Sculptured Stones of Scotland*, Vol. I., plate. 93.

³⁰⁸ *Ibid.*, Vol., I. Plate 79.

³⁰⁹ *Ancient Scottish Seals*, by Henry Laing, 1850, pp. 1, 2.

period. The inhabitants of the south of Britain had a coinage of their own, even before the Roman invasion.³¹⁰ If no coins earlier than the reign of Alexander I. has as yet been found in Scotland, it does not prove that none of the earlier kings had a coinage, or that no money was before coined in the country. As we have seen, there is ample evidence that the people of Scotland had long been sufficiently skilled in art to produce works and ornaments involving higher efforts than the striking of coins. If, therefore, there had been no coinage in Scotland till the 12th century, it was not for want of mechanical skill, nor for want of the precious metals. The natural explanation is, the trade of the country was so small as not to require a native coinage.

We now touch a point of exceeding interest, the first attempts at writing in this country. I cannot, of course, pretend to handle this difficult subject minutely and exhaustively, only the side of the matter can be presented here. The earliest writing in Scotland was by the Ogham characters. The Ogham letters were cut on stones, and on the staves and wands of the poet. When song and poetry was first written, that is to say, it was cut on the four sides of a square staff, or in the folds of a thick staff opening fanwise.³¹¹ We have no memorial of the staff-writing in Scotland, though it occurs in Ireland. But there are five pillar stones in the mainland of Scotland, and five in the Orkneys with Ogham inscriptions on them.³¹² The deciphering and reading of these inscriptions are, however, beset with great difficulties.³¹³ Indeed, it could hardly be otherwise owing to the uncertain value of the letters, and the extreme remoteness of the circumstances which surround them.

³¹⁰ *Mon. Hist. Brit.*, pp. 151, 152, and Plate 1.

³¹¹ *Morley's English Writers*, Vol. I., pp. 171-173. 1864.

³¹² *Sculptured Stones of Scotland*, Vol. II., Notices of the Plates, p. 6. *Proceedings of the Society of Antiquaries of Scotland*. Session 1876.

³¹³ *Ibid.*, Vol. X., pp. 134-141, 602.

On one of the sculptured stones in Forfarshire, inscription was read by the late Sir James Simpson follows :—"Dorst son of Voret of the race of Fergus". It is supposed to refer to Dorst, the king of the Picts, who fell the battle of Blathmig, 729.³¹⁴

As among the Celtic people the Ogham was the early writing, so among the northern nations and Teutonic races of Europe, there were writers of runes. A few specimens of later runic inscriptions are found in Scotland, and in Orkney and Shetland Islands. On a cross at Ruthwell Annandale, there is a runic inscription, relating to crucifixion. When not carved on stone, metal, bone, or other hard material, the rune was cut on a bit of smoothed wood or the bark of a tree.³¹⁵

This writing on stone, metal, bone, wood, and bark, offers a good example of the intelligence of man outstripping the means at his command. It seems exceedingly probable that the art of printing was kept in the background for many hundreds, perhaps thousands of years, simply for the want of paper. When letters were cut or formed, and afterwards impressed on wax or any soft substance, it came very near the simple stage of printing.³¹⁶

Any book-learning as yet existing in Scotland was more confined to the clergy and monks. The monasteries had their scribes, and doubtless the people of Scotland had some written records before the end of the 11th century. Indeed, we know there were written books, though only a few fragments of them have been preserved to our time. Such as the *Pictish Chronicle*, compiled towards the close of the 10th century, probably by the monks of Brechin. This short chronicle

³¹⁴ *Sculptured Stones of Scotland*, Vol. II., p. 70.

³¹⁵ *Proceedings of the Society of Antiquaries of Scotland*, Vol. X., pp. 425-426. *Orkneyinga Saga*, Introduction, pp. 102-106.

³¹⁶ I think I have read in some of De Quincey's erudite essays, that it was the want of paper which prevented the ancients from printing.

come down to us in a Latin form, but it seems to have been translated from a Gaelic original, as Celtic words here and there are left untranslated.³¹⁷

Another volume written in Pictish times was in the church of St. Ternan, on the Dee, in the 16th century, but it perished with other ancient works amid the struggles of the Reformation.³¹⁸ In the 12th century we meet with several references to writings in the language of the people, lives or legends of the saints.³¹⁹ The *Book of Deer* was already noticed. And on the early pillar crosses there are men represented with books in their hands.³²⁰

Here it is necessary to clear up the real position of an unlettered people. The ideas now in vogue, I believe, are extremely one-sided and misleading. It does not follow that a people without written literature have no literature at all; a literature always exists long before it is committed to writing. What are called literary languages are few in number compared with the multitude of dialects and speech of the human race. And who is bold enough to assert that these dialects are destitute of literature? Without travelling beyond the limits of Britain, though we have only one literary language, there is a number of dialects which have a literature of their own, some of it written, but much of it unwritten. So it has always been. Literature is not a sudden creation, but a slow growth, which is continually evolving and changing.

When this is the case in a country which has had a literary language for centuries, we can have little difficulty in conceiving a people to have many ballads, songs, and stories long before they were written. Homer himself was simply a reciter or singer; he did not write the immortal work which has borne

³¹⁷ *Chronicles of the Picts and Scots*, Pref., pp. 19-23.

³¹⁸ *Proceedings of the Society of Antiquaries of Scotland*, Vol. III., p. 264

³¹⁹ *Register of the Priory of St. Andrews. And Historians of Scotland*, Vol. V.

³²⁰ *Sculptured Stones of Scotland*, Vol. I., Plates, 43, 82, 88.

his name for more than two thousand years.³²¹ Duncan Ban M'Intyre, a Highlander, born 1724 and died 1812, who could neither read nor write, composed many spirited songs and poems, and they present the best and purest specimen of Gaelic composition. They were, of course, written down from his dictation. His poems were much admired, and have passed through eight editions. Another Highlander of the same century, Robert Mackay, could neither read nor write, yet he composed many satirical and humorous verses of real merit and power.³²²

Before printed books were common, people depended far more on their memories; and the retention of a few thousand verses implied no great stretch of memory. Many individuals now living can repeat numbers of stories and songs which were never written or printed. The traditional tales and rhymes still current among the uneducated people of the Western Highlands are supposed to have been transmitted from generation to generation, and to be very old.³²³

I have no intention of entering into a discussion of the Finn or Ossian, whether these heroes were real or imaginary. The ballads and stories referring to them are certainly very ancient; they were the heroes of the popular mind of the Gaelic people from times which are lost in the mists of antiquity.³²⁴ Though there is no evidence of written poetry among the Celtic people of Scotland in the 11th century, most assuredly they had stories and songs, which they delighted to relate and hear, long before that period.

In large and highly organised societies, book learning

³²¹ *The Language and Literature of the Scottish Highlanders.* J. S. Blackie, 1876. Pp. 70, 156.

³²² *Ibid.*, pp. 156, 188. Campbell's *Popular Tales of the West Highlands*, Vol. IV., pp. 189-196.

³²³ Campbell's *Popular Tales of the West Highlands*, Vol. I., Introd., pp. 26-36, 50, 117; Vol. II., pp. 19, 388, 467.

³²⁴ *Ibid.*, Vol. IV. In this volume there is a great mass of information on a variety of topics.

assumes immense importance and influence ; but, at its best, it only covers a part of human knowledge. The teaching of experience, the real conflict of life, is always the vital element of human education.

To conclude this Introduction, we have briefly traced from rude beginnings, the progress of the early inhabitants of Scotland. Though we have not always been able to follow each step in detail, several well-marked stages of advancing intelligence, and constructive skill, have been exhibited. And we have seen reason to think, that man's intelligence often outran the means at his command ; and that moral feeling and sentiment lags behind intellect. While history and social science concur in showing that the want of moral means has always and everywhere retarded the progress of civilisation and humanity. Is it then true, that the lack of genuine morality is the great enemy ? This is the one, the real, and the only enemy of man in the universe, as we know it ; all other evils compared with it dwindle into utter insignificance. You talk of war, battles, bloodshed, suffering, and destruction. What is the cause of these things ? That is the point. It is little to the purpose to say, that such is the will of God and heaven. This cannot be true, and it is nothing but a shallow excuse for the perpetration of any amount of murder and cruelty.

Where is the man or race, who claim on the ground of their superior intelligence, to enslave and trample a less gifted man or race ? There have been and still are such men and races in the world, who put forth these claims, and do all in their power to enforce them. While some theorists, under the name and cover of science, announce that it is a law of nature ; and a fine exhibition, forsooth, of the grand principle of the survival of the fittest.³²⁵ If this was true, continual war ought

³²⁵ *Anthrop Mem.*, London, Vol. III. I cannot recall the page, but the reader may rely on the truth of the reference. See also Darwin's *Origin of Man*. Lecky's *History of European Morals*, Vol. II., pp. 19-22.

to be the state of man. But it is not true; nor anything better than an old refibed priest-and-king ridden hobby; and can have no place in the moral code which I recognise.³²⁶

³²⁶ Froude's Work, *The English in Ireland in the 18th Century*, in 3 vols., 1872-74, contains in the opening paragraphs of the first volume, a statement of the theory referred to in the text. It is a theory which justice compels me to set my face against.

Indeed his *History of Ireland* can hardly be regarded as anything better than a gross caricature. It is full of venom and spite, below the dignity of a real historian.

CHAPTER II.

THEORIES CONCERNING THE NORMANS. NARRATIVE TO THE DEATH OF WILLIAM THE LION.

HAVING given an account of the people of Scotland, down to the end of the 11th century; before proceeding further, an important question demands attention. It was already stated that the Saxon race inhabited a portion of the country in the south and round the east coast; and that they had partly mingled with the Celtic population. But our historians say, that the influx of Saxons and Normans from England now greatly increased. It is a fair question, how far the civilisation of Scotland was indebted to this? Some writers boldly assert that we owe all our civilisation to this latter class of settlers; acutely adding, the Celts never showed any disposition to congregate in towns, or to follow an industrious occupation; withal holding forth as if these Norman and Saxon nobles were beings of exalted virtue, whose true vocation was to civilise Scotland.¹ Before committing ourselves to this theory, we must enquire into its pretension.

A thick veil of prejudice and ignorance, woven of Roman and feudal law and other fictions, has hung between the Celtic institutions and the investigating powers of most of our historians.² The time is come when a mass of this rubbish, which has so long obscured their vision, may be safely and properly brushed off, once and for ever, from the region of history. Touching the so-called Saxon and Anglo-Norman colonisation of Scotland during the 12th and 13th centuries, did it really take place to the extent alleged? The extreme

¹ Chambers's *Caledonia*, Vol. I., pp. 775, 460, 497, 501.

² Maine's *Early History of Institutions*, p. 5.

eagerness and manifest delight, which a certain stamp of writers display, in tracing the coming and settlement of the Normans in Scotland, seems altogether to pass the comprehension of common mortals. Though as many of these Normans had come as is asserted, which is doubtful; was there anything in their character to entitle them to be regarded as the founders of Scotch civilisation? What did they bring into Scotland that was not there long before?

If a hard and fast feudalism was the only distinctive characteristic which can be ascribed to the Normans,—the question arises, was this feudalism favourable to the progress of civilisation in Scotland? Hitherto it has been quietly assumed that it was; but no adequate proof has ever been adduced to establish this opinion. The doctrine that what is, or happens to be, is always right and best, has presided over the minds of all our historians—a theory which warps and almost ignores the principle of justice and morality.

It is of course admitted, that a number of Norman nobles, or rather adventurers, came to Scotland in the 12th and 13th centuries, and were highly favoured by the kings, who granted lands to them by charter. But it is not admitted that they came in such numbers as is asserted by those who regard them as the founders of our civilisation.

Chambers has given a long account to show that Norman and Saxon nobles, and Flemish people, spread over the kingdom in the 12th and 13th centuries.³ According to him, the only Saxons in Scotland before the 12th century consisted of the lowest orders and “ungenerous villains”.⁴

The mode adopted by Chambers to prove the extent of the Norman and Saxon colonisation of Scotland, as he calls it, was to collect the names of the granters and witnesses of the charters of the period, chiefly from the records of the monasteries and religious houses. And then fixing on all the names which

³ Chambers's *Caledonia*, Vol. I., pp. 495-614.

⁴ *Ibid.*, p. 498.

he fancies are Norman, Saxon, and Flemish. This kind of evidence was sufficient for his mind, to quote his own words, "From documents which are as new in their nature as they are decisive in their inferences". "From documents of a nature as novel as they are satisfactory." "These proofs are as new as they are satisfactory."⁵ Yet in spite of all this assurance, his evidence will hardly bear the conclusions drawn from it.

It is quite unnecessary to dispute any of the facts which he collected; it is his inferences that are untenable. The reason of this is simple and easily understood. The names attached to the charters granted by the kings merely included his own favourites, or those who chanced to be at hand; at best their names are only a poor and shadowy indication of the race inhabiting the land. These charters, however, often granted lands to Norman adventurers, which no old inhabitant of the country would have confirmed; because they were in fact a kind of robbery and theft. So if the king would give the slinking Normans the land of the Scotch people, he could hardly expect them to confirm the transfer of what was their own to his flatterers and idle favourites. The Norman and Saxon hangers-on, therefore, with the consent of the king, helped themselves; but many of their charters were never of any service to them. Though at last, by foul and dishonest means of every sort, the Norman idlers obtained a considerable part of the land of Scotland.

After Chambers had devoted a whole chapter of great length to what he termed the Saxon colonisation of Scotland, he affirms

⁵ Chambers's *Caledonia*, pp. 495, 612, 614. In speaking of David I., while he was Earl, Dr. Skene says, "The native Cumbrians nowhere appear as witnessing his grants, and it seems plain enough that he had largely introduced the Norman element into his territories, and ruled over them as a feudal superior, basing his power and influence upon his Norman and Anglie vassals, of whom the former were now the most prominent, both in weight and numbers," (*Celtic Scotland*, Vol. I., p. 457). It would have been singular indeed, if the very parties who were being robbed of their possessions, would appear as consenting and approving of the deeds which disinherited them. It is surprising that this side of the matter never presented itself to our historians.

in the most explicit form, that at the beginning of the 14th century the great body of the people of Scotland were still Celtic.⁶ So after all it seems the ungenerous Saxon villains, that is, the common people whom he affected to despise, were the real colonisers of the Lowlands. They had been settled in the south of Scotland since the 5th century, and most assuredly did more for the country and its civilisation than the scheming nobles and unprincipled scum he has taken such pains to enumerate.⁷

Even Mr. Innes, who did so much for history of Scotland, was sometimes carried off his footing when speaking of the Norman nobles. He belonged to the aristocracy himself, and was naturally predisposed to overlook their manifold shortcomings, and attempt to throw a ray of glory around "the gentle Norman". For this he may be excused. But no long line of pedigree, no Norman name, however old, no men of the sword, "above all servile and mechanical employment," can count with me if they lack the principles of honesty, justice, and truth. It is no part of my plan to glorify ambitious and cruel nobles, whether Norman, Saxon, or Celt.

⁶ Chambers's *Caledonia*, pp. 696, 697.

⁷ Before feudalism was completely established, the notion of common kinship was entirely lost. "The link between the lord and vassal produced by commendation is of quite a different kind from that produced by consanguinity. When the relation which it created had lasted some time, there could have been no greater insult to the lord than to attribute to him a common origin with the great bulk of his tenants. Language still retains a tinge of the hatred and contempt with which the higher members of the feudal group regarded the lower, and the words of abuse traceable to this aversion are almost as strong as those traceable to difference of religious belief. There is, indeed, little to choose between villain, churl, miscreant, and boor." Maine's *History of Early Institutions*, p. 86. This is the main distinction between feudalism as we know it in Britain, and the older system of clanship.

It is only fair that our turn should come at last. If we have remained long silent because we were not allowed to speak, that is no reason why we should continue silent. It is our duty to call a ruffian, a ruffian, when his character and action correspond to the meaning of the word, whether he chance to be a king, a noble, or a bricklayer. Unless we are prepared to grasp the essential and strongest features of a character we will never reach reality, but merely play upon the surface.

Mr. Innes began his historical inquiries with a strong bias against the Celtic inhabitants of Scotland. In his preface to the *Register of the Diocese of Moray*, he speaks of the poor Celts, as he calls them, with ill-concealed contempt. "The Irish chronicles present us with little more than a series of obits, and a vast confusion of fights. The descriptions of parties are so loosely given that they can generally be read with various meanings. They are a sort of authority most convenient for founding theories. They serve equally well for opposite sides."

"The internal history of the Highlands, and with it the Highland pedigrees, are but of yesterday when compared with those of England and the Lowlands of Scotland. There appears to be no evidence of Highland Gaelic writing till towards the end of the 15th century, and even since that period, the written literature and records of the Highlands are limited to a few strings of names arranged like pedigrees, without dates or events, differing from each other, and often inconsistent with chronology."⁸

When he wrote this he was a young man, and it is only fair to state that in his later works he descended a long way from this attitude towards the Celts, though a smouldering animus is still discernible. He repeatedly avows his total ignorance of the Celtic language, but that did not prevent him from assuming that he knew everything about their history.

He delivers himself in a different style when he speaks of the Normans. "The new colonists were what we should call of the upper class of Anglian families long settled in Northumberland, and Normans of the highest blood and names. They were men of the sword, above all servile and mechanical employment. They were fit for the society of a court, and many of them became the chosen companions of our princes. . . The lands these English settlers acquired, they chose to hold in feudal manner by gift of the sovereign, and the little charter

⁸ *Register Episcop. Mon.*, pp. 9, 10. See also *A Memoir of Cosmo Innes*, p. 48. 1874.

with the king's subscribing cross ✚, or his seal attached, began to be considered necessary to constitute and prove their right of property.⁹ Armed with it, and supported by the law, Norman knight and Saxon thegn set himself to civilise his new acquired property, settle his vil or town, built himself a house of fence, distributed the lands among his followers, and the natives whom he found attached to the soil, either to cultivate on his account, or at a fixed sum on the risk of the tenants."

This is a fine picture, if it only comprised all the circumstances, but unfortunately it requires many qualifications. It is surrounded with important points not even alluded to by Innes. Without at present discussing the justice of suddenly making it the law that a charter was necessary to prove the right of property, at a time when the real holders of land in Scotland had no such charters, by such means it is clear enough the ruling party might take the land of the native inhabitants and confer it on the foreigners. It is impossible to avoid this conclusion, all the fictions in the world cannot annul it. It is equally vain and untrue to assert that the land was unoccupied; the whole land was occupied, and the people settled on it for many centuries before this period.

The natural consequence was, a large part of the people were reduced to a lower state than they before held. Innes himself admits this,¹¹ and makes a curious attempt to get quit of its results. "The lawyers it seems were the cause of the degradation of the common people."¹² But it would have been better to tell the truth at once, instead of evading it in this roundabout and ridiculous fashion.

Here is another trait morsel—"The new settlers in Scotland were of the progressive party, friends of civilisation and the

⁹ Something will be said on this point in another chapter.

¹⁰ Innes's *Sketches of Early Scottish History*, p. 10. *Orig. Paroch. Scot.*, Vol. I., p. 26.

¹¹ *Ibid.*, *Sketches*, pp. 9, 174. And *Scotland in the Middle Ages*, p. 141.

¹² Innes's *Legal Antiquities*, pp. 154-158.

"¹³ It would have been something if he had told us in case they were a progressive party. It is rather vague to rely on friends of civilisation and the church. Perhaps he means that friends of the church are always progressive, but that friends of the church are always friends of civilisation. It comes to the same thing to say that the Normans were a progressive party, but what is the proof? Is it in the castles which they built for the oppression of the people? Is it in the cruel forest which their savage tastes introduced and hedged in? Is it in the brutal laws which sanctioned mutilation and every beastly torture."¹⁴

He ignores historical conditions, and quietly transfers the language of the 19th century with its distinctions to the 11th and 13th, when no such distinctions existed, or in any degree belonged to one party more than another. This is the way to lead up to satisfactory historical results. However, he is inconsistent with himself, one part of his writing is up the other.

Now come to the latest view of the Normans as civilisers—"In view of the success of the Normans, both social and political, a historical problem, it has to be noted that we have no social phenomena in later times with which this one could be compared and contrasted. Coming from the rude north into the world of Latin civilisation, they at once took up all the civilization that was around them, and then carried it into new stages of development. We have no parallel to this in modern times."¹⁵ This statement is not true, nor half true. Latin civilisation has been a convenient phrase for explaining diffi-

Macpherson's *Sketches*, p. 11. *Orig. Paroch. Scot.*, p. 27.

Macpherson's *History of Crime in England*, Vol. I., pp. 97, 100, 109, 110, 213.

Macpherson's *History of the Norman Conquest of England*, Vol. V., pp. 455-

Macpherson's *Constitutional History of England*, Vol. I., pp. 402, 403.

Macpherson's *History of Scotland*, Vol. II., pp. 85, 86. Another historian says of the Norman nobles—"Their right to govern lay in their capability of governing." "They were born rulers of men." Froude, *The English in* Vol. I., pp. 16, 17.

culties with many historians, but is simply misleading to say that the Normans took up all the Roman civilisation, and then carried it into higher stages. They never took at all the only permanent part of Roman civilisation, its jurisprudence. What element of it the Normans carried into higher stages of development, I profess myself unable to find. Feudalism can hardly be regarded as a higher stage of Roman civilisation, or a carrying of it into higher forms of development. It is indeed true, the Romans were cruel enough, but they never approached the disgusting brutality of the Normans. The Romans were also hard to their enemies, but we do not find them glutting their passions and wrath by quartering the lifeless bodies of their foes, and placing them as spectacles of terror throughout the provinces. This mode of treating a fallen enemy was left to be taken up by the Normans, doubtless a great improvement in the eyes of some minds. Such are the wretched shifts to which an able man may be driven by the adoption of a groundless theory, namely, that the Normans were the cause of the progress of civilisation during the middle ages in France, England, and Scotland. It is a theory not only essentially false itself, but a blind and accursed prejudice, preventing those who embrace it from seeing the violation of every principle of justice and humanity. It would sacrifice the inhabitants of the whole earth for the gratification and glorification of a few ruffians, who chose to call themselves kings and nobles, and proclaiming their rights to rule and trample in the dust all who gainsay them. It accepts a state of society as above criticism, and then proceeds to show that everything has happened as it ought to have done. It is time to discard such unreasonable and monstrous notions.

When we see what the Normans were in France and England, we will be able to judge of their title as the civilisers of Scotland. Richard V., Duke of Normandy, had a younger brother, Robert, who rebelled, and began by standing a siege in Falaise. But being unable to hold it, he feigned

submission; as a token of his sincerity, invited the ruling duke, his brother, and his chief followers to a banquet. When they had eaten of the meats set before them, the duke and his followers died, in short, they were purposely poisoned. In consequence of this feat, the common people gave him the name of Robert the Devil.¹⁶

Such was the means one brother took to get quit of another, that he might gain power to himself. Nevertheless, the Normans had a morality peculiar to themselves; and this worthy became Robert the Magnificent. He is also credited with giving birth to chivalry,¹⁷ which may well be believed; for as chivalry began in blood and murder, so it continued. Robert the Devil, or the Magnificent, made a pilgrimage to the Holy Land, and never returned.

The Dukedom then fell to his son William, the Bastard, whose mother was a tanner's daughter. This was the man afterwards known as William the Conqueror of England.¹⁸ When William the Bastard captured the fortress of Alencon, he hanged the garrison, after having cut off their hands and feet, because they called him the son of a tanner's daughter, as he really was.¹⁹

This is a fair specimen of the heads of the Norman party. And I can find nothing to show that the subordinates and followers were a whit better than their leader. As already stated, it utterly passes the understanding of common people why the aristocracy should be so eager to trace their descent to those half savage Norman adventurers of the 11th century.

¹⁶ Crowe's *History of France*, Vol. I., pp. 87, 88. 1858.

¹⁷ *Ibid.*, p. 88. "The chivalrous spirit is, above all things, a class spirit. The good knight is bound to endless fantastic courtesies towards men, and still more towards women of a certain rank; he may treat all below that rank with any degree of scorn and cruelty. The false codes of honour supplant alike the laws of the commonwealth, the law of God, and the eternal principle of right." Freeman's *Norman Conquest*, Vol. V., p. 482.

¹⁸ Crowe's *History of France*, Vol. I., p. 90.

¹⁹ *Ibid.*, p. 91.

William the Conqueror, as we have seen, was the bastard son of a treacherous fratricide. And throughout his career he never belied the character of the stock. He exhibited all the features of low cunning and cruel ruffianism; surrounding himself by a band of followers equally unscrupulous. This language may seem strange to those accustomed to the rose-water fashion of writing history; where the acts and proceedings of the chief character, however gross and unjust, are handled as if they were laudable deeds, or slurred over with words of milk and honey. The old rotten plea may be brought forward, that great men should not be judged by the common rules of morality; but to me such babbling is contemptible; and I am compelled to regard these childish notions as the real source of much of the evil which still afflict mankind.

This is what the contemporary chronicler of England thought of the Normans. He is as likely to be right as the modern historians, who whitewashes the intruders and endues them with virtues they never had. "In this year, 1079, Robert, the son of William, fled from his father to his uncle Robert in Flanders; because his father would not let him rule over his county of Normandy, which he himself, and also King Philip, with his consent, had given him; and those who were best in the land had sworn oaths to him, and taken him for lord. In this year Robert fought against his father, and wounded him in the hand, and his father's horse was shot under him, and he who brought another to him was straightways shot with a crossbow; that was Toki, son of Waggod. And many were slain and taken; and Robert went again to Flanders."²⁰ So much for the domestic amiability of the Normans.

"The king and the head men loved much, and overmuch, covetousness in gold and silver, and recked not how sinfully it might be got, provided it came to them. The king gave his land as dearly for rent as he possibly could; then came some

²⁰ *Saxon Chronicle*, Vol. II., pp. 183, 184, Thrope's edition, 1861.

ther, and bade more than the other had before given, and the king let it to the man who had bidden more; then came a third and bade yet more, and the king gave it up to the man who had bidden most of all. And he recked not how very sinfully the reeves got it from the poor men, nor how many illegalities they did; but the more that was said about right law, the more illegalities were done. They levied unjust tolls, and many other unjust things they did, which are difficult to reckon".²¹ It is a notable point, that the more the king and his officers talked about right and law, it only amounted to an excuse for the violation of all justice, and the oppression of the people. This from beginning to end is the real principle of Norman civilisation.

"The king, William, about whom we speak, was a very wise man, and very powerful, more dignified and strong than any of his predecessors were. He was mild to the good men who loved God; and over all measure severe to the men who gained his will. . . . So also was he a very rigid and cruel man, so that no one durst do anything against his will. He had earls in his bonds who had acted against his will; bishops he cast from their bishoprics, and abbots from their abbacies, and thanes into prison; and at last he spared not his own brother Odo. . . . Certainly in his time men had great hardships, and very many injuries. Castles he caused to be made, and poor men to be greatly oppressed. The king was so very rigid, and took from his subjects many a mark of gold, and hundred pounds of silver, which he took by right and with great unright from his people, for little need. He had fallen into covetousness, and altogether loved greediness. He planted a great preserve for deer, and laid down laws therewith, that whosoever should slay hart or hind should be blinded. He forbade the harts and also the boars to be killed. As greatly did he love the tall deer as if he were their father. He also

²¹ *Saxon Chronicle*, p. 187.

ordained concerning the hares that they should go free. His great men bewailed it, and the poor men murmured thereat; but he was so obdurate that he recked not of the hatred of them all; but they must wholly follow the king's will, if they would live, or have land, or property, or even his peace. Alas! that any man should be so proud, so raise himself up, and account himself above all men! May the Almighty God show mercy to his soul, and grant him forgiveness of his sins."²² Such was William the Conqueror, the greatest of his caste, a man of remarkable energy and organising power; but withal a hard-hearted and cruel villain, equally capable of murdering and robbing to attain his ends.

Since I am not writing the history of England, but only indicating the spirit of the Normans, it is unnecessary to enter into details. William Rufus, the son of the Conqueror, reigned thirteen years. "He was very rigorous and stern over his land and men, and towards all his neighbours, and very formidable, and through the council of evil men that were always grateful to him, and through his own covetousness, he was ever tormenting this nation with an army and with unjust exactions; because in his days every right fell, and every wrong in the sight of God and the world rose up. God's churches he depressed, and all the bishoprics and abbacies whose heads died in his days, he either sold for money or held in his own hand and let for rent, because he would be the heir of every man, ordained and lay; and so that in the day he fell, he had in his own hand the Archbishopric of Canterbury, and the

²² *Saxon Chronicle*, pp. 188-190. See also Freeman's *History of the Norman Conquest*, towards the end of the fourth volume, and Vol. V., pp. 6-52, Note C., pp. 747-759. Dr. Freeman, of course, though he often notices the cruelties which the Conqueror inflicted, almost throughout he regards him as a hero. He calls him William the Great, and compares him with several other famous kings and military characters. On the whole, I think, he gives rather much credit to the Conqueror. His *History of the Conquest*, however, is a *most* monument of industry, written in an exceedingly easy and interesting style; while the general tenor of his judgments and conclusions are fairly honest and sound.

ric of Winchester, and that of Salisbury, and eleven
is, all let to rent. And, though I may longer delay it,
; was hateful to God and oppressive to man, all that was
ary in this land in his time; and therefore he was
to almost all his people, and odious to God, as his end
manifest; for he departed in the midst of his unrighteous-
ithout repentance or any atonement.”²³

ing Stephen came to the throne of England in 1135, and
hout his reign, which lasted nineteen years, the country
a most wretched state. The nobles and great men—
had done homage to him and sworn oaths, but had held no
hey were all forsworn and forfeited their truth; for every
ul man made his castles and held them against him, and
lled the land full of castles. They cruelly oppressed the
ed men of the land with castle works. When the castles
ade, they filled them with devils and evil men. Then
ey those men that they imagined had any property, both
ht and by day, peasant men and women, and put them
son for their gold and silver, and tortured them with
rable torture, for never were martyrs tortured as they

They hanged them up by the feet, and smoked them
oul smoke; they hanged them by the thumbs, or by the
and put fires to their feet; they put knotted strings about
heads and writhed them so that it went to the brain.
put them in dungeons in which were adders, snakes, and
and killed them so. Some they put in a ‘crucet hus,’
; in a chest that was short, narrow, and shallow, and put
stones therein, and pressed the man therein so that they
all his limbs. In many of the castles were (instruments
) a loathly and grim, these were neck-bonds, of which
r three men had enough to bear one. It was so made,
s, it fastened to a beam, and they put a sharp iron about
an’s throat and neck, so that he could not in any direc-

²³ *Saxon Chronicle*, Vol. II., pp. 203, 204.

tion sit, or lie, or sleep, but must bear all that iron. Many thousands they killed with hunger. I neither can nor may tell all the wounds or all the tortures which they inflicted on wretched men in this land ; and that lasted the nineteen winters while Stephen was king, and ever it was worse and worse. They laid imposts on the towns continually, and called it 'censeur': when the wretched men had no more to give, they robbed and burnt all the towns, so that thou mightest well go a day's journey and thou shouldest never find a man sitting in a town, or the land tilled. Then was corn dear, and flesh, and cheese, and butter ; for there was none in the land. Wretched men died of hunger ; some went seeking alms who at one time were rich men ; some fled out of the land. Never yet had more wretchedness been in the land, nor did heathen men ever do worse than they did ; for everywhere at times they forbore neither church nor churchyard, but took all the property that was therein, and then burnt the church and all together. Nor forbore they a bishop's land, nor an abbot's, nor a priest's, but robbed monks and clerks, and every man another who anywhere could. If two or three men came riding to a town, all the township fled before them, imagining them to be robbers. The bishops and clergy constantly cursed them, but nothing came of it, for they were all accursed, and forsworn, and lost." ²⁴

These simple and solemn sentences of the Chronicle are not to be sneered at or sniffed aside ; they bear the unmistakable stamp of grim reality and truth, and show the Norman kings and nobles to have been a rapacious and cruel set, who oppressed the people beyond measure and without mercy. Far from having any claim to a higher civilisation, or a more elevated sense of humanity, the Normans exhibited themselves as the most unscrupulous and selfish ruffians, regardless of all human suffering, if it stood in the way of their own gross and savage gratifications.

²⁴ *Saxon Chronicle*, Vol. II., pp. 230, 231.

A few sentences more on the state of society in England at the end of the 12th century, and onward through the 13th and 14th centuries, should suffice to dispel the baseless ideas that there was a higher civilisation across the border than in Scotland. It is true enough we had little to boast of; but it is equally certain that England as yet had nothing better to offer us, though the opposite has almost constantly been assumed. After endeavouring to discover that happy time when the body of the English were more advanced and civilised than the people of Scotland, I am sorry to announce that I cannot find it. If any one can satisfactorily show that such a condition ever existed within the Christian era, I will cordially acknowledge the importance of the obligation. Though England had more wealth, this was simply the natural result of its larger and more varied material resources, and not anything like evidence of a higher civilisation.

In England, at this time, the want of respect for human life was universal. Even the population of London were comparatively brutal. There the Jews were often murdered by hundreds, and the prevailing scenes of rapine and violence among the principal citizens of the capital were extreme. At night bands of them went about the streets robbing their neighbours, and killing without mercy every one who came in their way.²⁵

Among the people throughout the country there was a marked absence of all honesty in every class of society, and the morals of the Court were not a whit better than the morals of the people; indeed, the Court is described as a hell upon earth.²⁶

At the same time, the character of the English clergy did

²⁵ Pike's *History of Crime in England*, Vol. I., p. 141.

²⁶ *Ibid.*, pp. 142-144. The ordinances for Richard the First's Army for the Crusades plainly shows the brutal character of the soldiers and knights who composed it. *Ibid.*, pp. 168, 169. Regarding the massacres of the Jews in London, and other English towns, see pp. 160, 161, 162, 163.

not stand high. Richard the First said—"It was the custom of the secular clergy to spend the alms extracted from the laity, not upon the poor, for whom they were intended, but in vice and debauchery, to pass their days in guzzling and drinking, and to deck their mistresses in gay attire, while they gave no thought to their own vestments, or the books of their church. All this he could have endured, had they not carried their lust into the houses of the laymen, and added adultery to their other offences. He did not even know where to choose a bishop or an archdeacon whose character befitted a preacher of God's Word." ²⁷

The Archbishops of Canterbury and York actually fought, in the council chamber at Westminster, before the eyes of the Papal legate who had summoned the meeting. The object of dispute being which of the two was the Primate of England; and the hand-to-hand free fight which ensued between the clergy of the two provinces was to decide the mighty point as to which of the two bishops should occupy the seat of honour. In the end numbers prevailed, and Canterbury proved itself superior to York in physical force.²⁸

Coming down to the 13th, and 14th, and 15th centuries, we find that there was little humanity in the laws—little morality or honesty among the highest and leading class of the English.²⁹ I do not wish to dwell on these matters; but a few instances out amongst hundreds must be given, to bar for ever the easy way of explaining the civilisation of Scotland, by a reference to the superior state of the southern part of the Island. Hereafter it will only manifest the ignorance of those

²⁷ Pike's *History of Crime in England*, p. 147.

²⁸ *Ibid.*, pp. 148, 149.

²⁹ *Ibid.*, Chs. IV. and V.; and Stubb's *Constitutional History of England*, Vol. II., pp. 239, 242, 290, 304, 305, 306, *et seq.*, pp. 489, 506, 535, 545, 605-611, 622-624. Professor Stubb's *Constitutional History of England* is the best of its class that has yet appeared. I admire the boldness and vigour of his thought no less than the candour and fairness of judgment manifested throughout his great work.

who attempt to explain history in such a fashion, as by fancying some cause afar off, in the East, in Greece, or anywhere, and applying it to explain our history, instead of looking for the causes in the place where the living action is going on. Observation of the circumstances and influences which mainly control the mass of men, in every rank of society, may convince any one that it is those things close at hand, and around on every side, which fixes their course of action. Such things, whatever they happen to be, are the real movers of men and society—not at all the far off ideas and manners in some other quarter of the globe, of which they may never have heard. It is only after an advanced stage that distant communities begin to affect each other in any appreciable degree. We must remember that railways and telegraphs are things of yesterday ; even bridges and passable roads, not to speak of ships, did not always exist as available means of intercommunication. Those numerous agencies of intercourse between different and remote communities, which we see in full operation, were for long ages altogether dormant and undeveloped ; and alike alien to the spirit and the policy of the human race in its early stages of civilisation. Keeping this in view, we will often find good reason to suspect the weight of the imputed influence which one distant community is assumed to have exerted over another. Thus, withdrawing the mind from the shadowy and imaginary, in short, from the clouds, to the firm ground of relative circumstances and the inherent energy of the people themselves, we will be more likely to understand the march of their progress.

In England, trial by ordeal was the common mode till 1219, when it was abolished ; and the duel or wager of battle continued for many centuries later. It was used both for criminal and civil matters, and it often led to the most cruel and brutal scenes.³⁰ Indeed, the state of the whole law of

³⁰ Pike's *History of Crime in England*, Vol. I., pp. 204-206.

England then and now, even after seven centuries of improvement, is anything rather than in a satisfactory condition,³¹ or a code to be admired and imitated.

The punishment for high treason was the most horrible, as might be expected, among the rulers who considered themselves as a superior caste, with a right to command whatsoever they chose. In the reign of Edward the Second, the Earl of Carlisle was convicted of treason, and the concluding sentences of the judgment are to this effect—"The award of the court is, that for your treason you be drawn, and hanged, and beheaded; that your heart, and bowels, and entrails, whence came your treacherous thoughts, be torn out and burnt to ashes, and that the ashes be scattered to the winds; that your body be cut into four quarters, and that one of them be hanged upon the Tower of Carlisle, another upon the Tower of Newcastle, a third upon the Bridge of York, and the fourth at Shrewsburgh; and that your head be set upon London Bridge, for an example to others, that they may never presume to be guilty of such treasons as yours against their liege lord".³²

Such are the boasted refinements of the Norman rulers. Doubtless they considered themselves the people, and wisdom might have died with them; but sorry civilisers were they—brutalisers, rather, shall I say, from beginning to end, till the last of them perished amid murder and blood.³³

Though Norman-French was spoken at the Court, and law pleadings and state papers were written in it for more than two centuries, yet they produced no literature worthy of the name. It was made up of imitations, translations, and clumsy copies, and finally ends in nothing.³⁴

³¹ Pike's *History of Crime in England*, pp. 206-225; and Cha. IV. and V., Austen's *Province of Jurisprudence. Essays on Reform*, pp. 299, 218. 1867.

³² Pike's *History of Crime in England*, p. 226.

³³ "Weak as is the 14th century, the 15th is still weaker—more futile, more bloody, more immoral" (Stubbs's *Constitutional History of England*, Vol. II., p. 624.

³⁴ Taine's *History of English Literature*, Vol. I., p. 86.

It is true enough the Normans were better organisers than the Saxons. They were more alive to the advantages of centralised power, so they were better qualified to establish a despotic government,—as they did for a time over all classes in England. This, however, is far from showing that we should ascribe to the stragglers who found their way to the court of the Scottish Kings, the main impulse of our civilisation.

If, then, the causes of Scotch civilisation cannot be found in the Normans and their customs, or chivalry, or feudalism in any definite degree, where must we look for the causes of it? We must just look where we were looking before—chiefly to the energy and spirit of the people, and the external circumstances and conditions surrounding them. The Church, as an element of order and a support of the Crown, contributed something to advance the material prosperity of the kingdom. The gradual rise of towns, and the slow but steady emancipation of the lower classes, arising partly out of the current of events and circumstances of the country, but mainly from the energy and courage of the people themselves. The internal action springing from conflicts of various kinds, issuing in the development of moral means—that is, greater moral power—finally resulted in the civilisation we now enjoy.

We have now cleared the ground of some weathering and inveterate rubbish, and attempted to show how shallow and delusive the ideas must be, which ascribe the civilisation of Scotland to a few courtiers and adventurers who arrived here in the 12th and 13th centuries. Thus the vision of the historical investigator may be a little extended. Hereafter I will break the kernel and spread the seed. The enemy must be attacked in his den, and driven out of his strongest and last fortress.

It is important to show that a nation does not exist merely for the sake of its kings and nobles. Scotland was the first in Europe among feudal communities to present a memorable

example of this truth,³⁵ a truth even yet, with all our advancement, hardly sufficiently apprehended; and the necessity of broader and juster aim in history and the social organism cannot be too forcibly exhibited.

To resume the narrative: After a reign of nine years and three months, Edgar died at Edinburgh, 1107. He was succeeded by his brother, Alexander I. His younger brother David, claimed the district of Cumbria, the country to the south of the Firths of Forth and Clyde, which, as we have seen, had become attached to Scotland.³⁶

Alexander had soon to face a rising of the northern inhabitants. The men of Moray and Mearns approached while he was holding his court at Invergowrie; but he showed a brave front to the advancing enemy, and they beat a retreat and fled to the mountains. The king and his followers pursued and pressed them into the boundaries of Ross, where he inflicted severe defeat upon his enemies, and, for a time, effectively stifled the disposition to rebel.³⁷

In those days, the connection of the Church and the Crown was more close and important than in modern times; as the jurisdiction of the one was hardly at all separate from the other. This reign is remarkable in the history of the Scottish Church. When the king commenced to carry out some reforms, one of his first acts was to provide a bishop for

³⁵ F. D. Maurice's *History of Mediæval Philosophy*. 1875.

³⁶ *Chronicles of the Picts and Scots*, pp. 175, 184, 181, 303. Haile's *Annals* Vol. I., p. 56. "Alexander's succession as king was limited to the kingdom north of the Firths of Forth and Clyde, with the debatable ground extending from the river Forth to the river Esk, and including the strong fortresses of Edinburgh and Stirling; while David, as Earl, obtained the rich district extending thence to the borders of England; and between them lay the earldom of Gopatric of Dunbar." Skene's *Celtic Scotland*, Vol. I., p. 446.

"David's possessions in Cumbria consisted, therefore, of the counties of Lanark, Ayr, Renfrew, Dumfries, and Peebles. . . . He was, as we have seen, overlord of Galloway, and his rule extended also over Lothian and Teviotdale, in the counties of Berwick, Roxburgh, and Selkirk." *Ibid.*, pp. 455-456.

³⁷ *Historians of Scotland*, Vol. III. Winton, pp. 174, 175. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 172, 173.

Andrews. In 1107, he appointed Turgot, a monk of Durham, to it; and forthwith the right to perform the ceremony of consecration was claimed by the Archbishop of York. The Scotch clergy and the king said the Archbishop of York had no authority over the church of St. Andrews. This time the affair terminated in a compromise, leaving the point unsettled; and Turgot was consecrated by the Archbishop of York in 1109.³⁸ It appears there was not a recognised authority in Scotland, according to the rules of the Church, to perform the act of consecration.

As might have been expected, Turgot did not find himself very comfortable in the diocesan chair. He threatened to go to Rome and there settle all difficulties, but he died in 1115, among his brethren at Durham.³⁹

The bishopric remained five years vacant; but in 1120 the king nominated Eadmer, a monk of Canterbury, who was finally elected by the clergy and the people. The great matter of consecration was again renewed, this time by the Archbishop of Canterbury claiming the right to perform the ceremony. We have seen that many years after this, the worthy Archbishops of York and Canterbury were not ashamed to engage in a hand-to-hand fight in the Council Chamber, to decide which of them should sit as the highest dignitary. It is not, therefore, surprising to find the earlier bishops eagerly grasping at power. Eadmer himself believed that the rights of his mother-church of Canterbury extended over all the British Islands. The king of Scotland could hardly entertain that opinion, and refused to listen to such a proposition. The monk of Canterbury was as determined as the king, and at last declared "Not for all Scotland will I renounce being a monk of Canterbury". Accordingly, as he could neither agree with the king nor the people, he left St. Andrews and returned to his mother-church.⁴⁰

³⁸ Grub's *Ecclesiastical History of Scotland*, Vol. I., pp. 206, 207.

³⁹ *Ibid.*, p. 209. Burton's *History of Scotland*, Vol. II., p. 37.

⁴⁰ Grub's *Ecclesiastical History of Scotland*, Vol. I., pp. 210-214.

Eadmer, through his obstinacy and the high notions of the powers of his mother Canterbury, had lost a fine position. Indeed he showed much anxiety to get back to the diocese of St. Andrews, and offered to submit to the king's will; but Alexander I. was not a man to trifle with, and the conceited monk lost for ever his only chance. Though a strict monk, he was a scholar, and wrote a history of his own time in clear Latin, and many other works. He is supposed to have died at Canterbury in 1124.⁴¹

About the end of the year 1123, the king appointed Robert, the Prior of Scone, to the see of St. Andrews.⁴² Alexander did not live to see him consecrated. When the ceremony was performed in 1128, under the presidency of the Archbishop of York, there was an express condition that the claims and rights of York and St. Andrews were reserved.⁴³ The claim of feudal superiority over Scotland had hardly as yet arisen; but it is easy to see that, if the dependance of the Scotch church on the English could have been established, it would speedily have involved the independence of the kingdom.

Alexander died 1124, and was succeeded by his brother David, who, as we have seen, was ruling the districts south of the Forth. The kingdom was again united under one head, and the era of the introduction of feudalism and the concentration of government earnestly began.

A large part of modern Scotland as yet hung very loosely on the central authority. Notwithstanding the success of the late king, the whole country beyond the Spey could hardly be called under the authority of the crown; and Galloway was rather a tributary than an incorporated part of the kingdom. The native inhabitants and their local chiefs were natural

⁴¹ Grub's *Ecclesiastical History of Scotland*, pp. 214-216. Morley's *English Writers*, Vol. I., pp. 445, 446.

⁴² W. E. Robertson's *Scotland under her Early Kings*, Vol. I., p. 181.

⁴³ *Chronicles of the Picts and Scots*, pp. 90, 91. Haile's *Annals*, Vol. I. - 76. *Historians of Scotland*, Vol. III., Winton, p. 177.

averse to the planting of Norman nobles among them ; though the adventurers were favourites at the court of David, they were with good reason very differently regarded by the people. King David, during his government of the southern region of the kingdom, had made some progress in introducing feudalism and an alien nobility. These new followers of the king received grants of land by charter, and this sometimes dispossessed the real owners of the soil ; and what was occurring in the south might soon be extended to the heart of the country and the north.

In 1130, the inhabitants of Moray under their local rulers, Angus and Malcolm, rose against the king. They advanced to Stracathro in Forfarshire, where the king's forces met them. Angus himself was killed and his followers overthrown,⁴⁴ but his brother Malcolm retreated and prolonged the contest four years. In 1134, the king himself proceeded with an army towards the disaffected north. He succeeded in overawing the northern leaders, and proclaimed the whole district and earldom of Moray forfeited to the crown. He parcelled out large portions of it among the Normans and other foreign adventurers who followed his banner. Thus the king hoped to strike a fatal blow at the power of the local chiefs and the ancient race of Moray.⁴⁵

Henry the First of England died in 1135, and bequeathed his dominions to his daughter. But the spirit of the age was too rude for the government of a woman ; and Stephen, a nephew of the late king, a man of whom we have already spoken, contested the right to the throne with her, and proved successful. The king of Scotland supported the claims of his relative the queen, and led an army across the border. Many of the northern fortresses of England opened their gates to him.

⁴⁴ *Saxon Chronicle*, Vol. II., p. 227. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 189, 190.

⁴⁵ Robertson's *Ibid.*, pp. 190, 191. Skene's *Celtic Scotland*, Vol. I., pp. 62-64.

When he had advanced to Durham, Stephen approached with a large force, and the two kings confronted each other for a fortnight, and finally concluded a peace without coming to blows.⁴⁶

But the king of Scotland, besides his obligation to support the claim of the queen, had a strong wish to annex the northern counties of England; and even some hope of succeeding to the throne of England himself.⁴⁷ Early in the year 1138, he again led an army of the motley inhabitants of Scotland into England. It consisted of the Picts of Galloway, the mixed population of Strathclyde, the men of Teviotdale, the Saxons of Lothian, the men of Lennox, the Scots, that is the men between the Forth and Spey, the people of Moray beyond the Spey, and the Islandmen; and a small company of Norman nobles and their followers around the king's person.⁴⁸

The defenders of England assembled at Northallerton, and there set up their standard, and prepared for the battle. The Picts of Galloway claimed the right of leading the first attack, and King David had no alternative but to yield to them. The battle was fought on the 22nd of August, 1138, and is known in history as the Battle of the Standard. The Gallwegians, who led the attack, rushed with such force upon the enemy that the front ranks reeled under the shock, and were borne back in confusion upon the dismounted knights around their standard. The English, however, supported by the bowmen, recovered their ground, and, after a hard struggle, the Scots were completely defeated, and many fell.⁴⁹

⁴⁶ *Saxon Chronicle*, Vol. II., p. 230. Haile's *Annals*, Vol. I., pp. 77, 78.

⁴⁷ *Saxon Chronicle*, Vol. II., p. 232.

⁴⁸ *Historians of Scotland*, Vol. IV., Fordun, pp. 425, 426, Notes. *Chronicles and Annals of the Priory of Hexham*, Vol. I., Sutees' Society.

⁴⁹ *Saxon Chronicle*, Vol. II., pp. 232, 233. *Chronicles and Annals of the Priory of Hexham*, Vol. I., pp. 90-93. All the chroniclers bewail the ~~savage~~ cruelties committed by the Scots, but they were not a whit worse, nor ~~even~~ so bad, as the cruelties which their own king and nobles were inflicting on the English at the very same time. And there never was war, nor ever ~~will~~ be, without cruelties.

The following year peace was concluded on the condition that King David's son, Prince Henry, should receive the earldom of Northumberland, together with his other fiefs within England, the laws and local customs of these territories to remain as they were, and the rights of the Archbishop of York and the Bishop of Durham.⁵⁰ It is exceedingly doubtful if the possession of these regions, then so much coveted by the Scotch kings, was at all conducive to the civilisation of the nation. At a later period it is certain these transactions between the crowns of England and Scotland became, in the hands of lawyers, a pretext for the feudal superiority over Scotland which England so persistently put forth.⁵¹

The remaining years of David's reign were mainly taken up with the various reforms in the Church and the Government of the kingdom, which he introduced and partly carried out. His policy seems to have been firm and moderate—a real model of a paternal ruler, according to the lights of his time.⁵² He encouraged the settlement of a class of Norman nobles in his kingdom, many of whom also owed allegiance to the English crown; and they had no local connection whatever with the people of Scotland. On them he bestowed extensive tracts of land by charter. This part of David's policy has often been eulogised; but most assuredly, in the long run, it proved disastrous to the kingdom and to the civilisation of the people. It was different with the policy he pursued towards the communities of the towns—the protection and encouragement

⁵⁰ *Acts Parl. Scot.*, Vol. I., pp. 2-6. *De Mon. Scot.* Haile's *Annals*, Vol. I., pp. 92, 93.

⁵¹ Of course, I do not look at this matter from the same stand-point as Dr. Freeman. I cannot see the case as he sees it, neither do I think that it was so plain and simple as he puts it. He talks of early grants of territory made by English kings to Scotland, when I can see only conquest; indeed one king voluntarily giving up possessions to another is a rare occurrence. *Norman Conquest*, Vol. V., pp. 259-263.

⁵² All the chronicles of the north of England speak of King David with affection.

he afforded to them was well calculated to promote the peace and civilisation of the nation.

David's only son, Prince Henry, predeceased him about a year. The king himself died in May, 1153. He was succeeded by his grandson, Malcolm IV., a youth of twelve years. Malcolm was crowned at Scone; but before the end of the year the young king's friends had to meet a rising of the Celtic population of Argyle and the west, under their leaders, Somerled and Malcolm MacHeth. The war was protracted throughout the winter among the mountains. An offer of the Kingdom of the Isles detached Somerled for a time, as he found employment there. So the shock on the king's party being weakened, they prevailed; and Donald Mac Malcolm was taken in Galloway, and imprisoned in Roxburgh Castle, where his father already lay. The two forlorn prisoners of the dungeon had now no alternative but to come to terms with their enemies, and obtain their personal liberty. No account of the nature of the transaction remains, or what claims the father and son relinquished.⁵³

The king was unpopular, and a party of the nobles seem to have conspired to dethrone him, and place his brother, William, on the throne, or else to secure his person, and make their own terms. They surrounded Perth, where the king was, but those along with him attacked and dispersed them.⁵⁴

The king lost no time in following up his success, and led an army into Galloway to crush the disaffection at its source. But to enter and subdue Galloway was a hard task, and Malcolm and his army were repeatedly baffled in attempting to penetrate into the district. At last the king succeeded, and

⁵³ *Historians of Scotland*, Vol. IV., Fordun, pp. 249, 250. W. E. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 345-350. Dr. Skene thinks that when Malcolm MacHeth was liberated the king gave him the Earldom of Ross—a district over which the King of Scots could as yet exercise little authority (*Celtic Scotland*, Vol. I., pp. 469, 470).

⁵⁴ *Historians of Scotland*, Vol. IV., Fordun, p. 257. Skene's *Celtic Scotland*, Vol. I., p. 471.

led the local chief, Fergus, who retired into the monastery of Iona, donning the canonical garb instead of the sword. He died the following year. Henceforth Galloway was in feudal subjection to the Crown.⁵⁵ The inhabitants, however, for long after stoutly maintained their own laws and customs, and the new nobles hardly got any footing there. About 1161, the people of Moray rose against the king.

There must have been some cause for these risings. The introduction of foreign nobles supported by the government, and new taxes and burdens thus imposed upon the inhabitants, irritated and enraged them, and led to constant and persistent rebellion.⁵⁶ Malcolm gathered a large army and removed

many of the people from the land of their birth, and planted them in other parts of Scotland, beyond the hills, and in the north.

It is scarcely probable that the king could have carried so extensive a measure over the province of Moray; but there is no reason to doubt that the lower portions of the west coast and along the coasts were parcelled out to an extraneous nobility during this and the early part of the next century.⁵⁷

Towards the end of Malcolm's reign, Somerled attempted to reach the heart of the kingdom. He landed at Renfrew with a large army, but his followers had hardly got ashore when they were attacked, defeated, and their leader slain.⁵⁸

Malcolm died in December, 1165, and was succeeded by his brother, William. Our kings still hankered after the northern counties of England, and William only waited a favorable opportunity to make an attempt to enforce his claim.

The disaffection of Henry II.'s own children appeared to

Historians of Scotland, Vol. IV., p. 251.

"At this time the rebel nation of Moray, whose former lord—namely, the Earl of Angus—had been killed by the Scots, would, for neither prayers nor neither threats nor oaths, leave off their disloyal ways, or their ravages against their fellow-countrymen" (*Ibid.*, p. 251).

Ibid., p. 252. Skene's *Celtic Scotland*, Vol. I., pp. 472, 473.

W. E. Robertson's *Scotland under her Early Kings*, Vol. I., p. 359.

afford what was wanted. In 1173, the King of Scots led an army across the border, laying waste the north of England, without any result, save a temporary truce.⁵⁹

When the truce ended, next year the Scots again entered England, ravaging and plundering in the usual fashion. Since the Conquest the districts of Northumberland and Cumberland had been the scene of much contention and confusion, alternately held by the kings of both countries; but they were now naturally almost absorbed into England. The incautious King of Scots while amusing himself, was taken prisoner by a flying party of English barons.⁶⁰ This capture entailed serious disaster on Scotland.

Henry II. had now the opportunity of obtaining what he eagerly coveted—the feudal superiority over Scotland. So he demanded the admission of a complete feudal over-lordship; and William the Lion made a full surrender on parchment, as the ransom for his personal freedom. The Scots nobles, and the clergy also, were to acknowledge fealty to the English crown, and five castles were to be placed in the hands of Henry—Berwick, Roxburgh, Jedburgh, Edinburgh, and Stirling—as the binding articles of the treaty. After the castles were delivered over to the King of England's officers, William was set at liberty.⁶¹ It appears, however, that only three of the castles were given up to the English—Roxburgh, Berwick, and Edinburgh.⁶²

This convention remained in force fifteen years, as far as it could be enforced. King Henry to the day of his death, evinced a determination to cling to its fulfilment. William the Lion was continually summoned to attend in the character of vassal at the court of his English Lord, and the Scots nobles

⁵⁹ W. E. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 364, 365.

⁶⁰ *Historians of Scotland*, Vol. IV., Fordun, p. 258. Hailes' *Annals*, Vol. I., pp. 127, 128.

⁶¹ *Fœdera*, Record Edition, Vol. I., pp. 30, 31.

⁶² *Historians of Scotland*, Vol. IV., Fordun, pp. 260, 261.

, when required to assist at the court of their common superior. Licence was granted by Henry to William for his expedition into Galloway; and in every feasible form it was stipulated that the king and kingdom were under the English crown.⁶³

But in 1189, Richard I. became King of England, and one of his first acts was to annul all the concessions extorted by Henry from the captive William, and to restore to Scotland its former independence. Ten thousand marks of silver were paid by the Scots, and their castles were given back to them.⁶⁴

The feudal superiority of the English crown, and the homage of the kings of Scotland, have afforded much refined discussion to little purpose. The true way to put it is, the Norman rulers of England, with one exception, were constantly bent on annexing Scotland. All the quirks and low tricks of feudalism were eagerly pressed into requisition, and strained to the utmost; while chicanery, forgery, bribery, and corruption of every sort were used, even religion and the Pope were employed without scruple; and finally fire and sword.

Meanwhile the internal state of the country had not been improving. In Galloway, the king's officers and the new Norman and English settlers were driven out, or cruelly slain. The king entered in 1175 with an army, and the local chief, Gilbert, submitted.⁶⁵ This region was never long at peace, and again and again the inhabitants were up in arms during the remainder of William's reign.⁶⁶

Among the population of the west and north there were still risings against the government. Indeed this was simply

⁶³ W. E. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 375, 376.

⁶⁴ *Fœdera*, Vol. I., p. 50.

⁶⁵ *Historians of Scotland*, Vol. IV., pp. 259-261.

⁶⁶ W. E. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 381, 382, 387.

the natural and just resistance of the Celtic people against intrusion and encroachment of the Norman barons. In year 1179, King William invaded the remote district of Ross the head of his earls and barons and a large army, subdued and built there two castles to maintain his authority.⁶⁷ He was not permitted to retain it long without disturbance.

From 1181 to 1188, the districts of Moray and Caithness and other parts thereabout, were in a state of revolt. The leader of this opposition to the royal authority was MacWilliam, who aspired to nothing short of the throne of Scotland. William the Lion, in 1187, collected all the feudal force of the country, that had not openly sided with his powerful enemy, and marched to Inverness. The king intended to follow his rival into the remote parts of the Highlands, and bring on a decisive result. A part of the army passed in search of MacWilliam, the king himself remaining at Inverness. This party of the Scots under the command of Ronald of Galloway, succeeded in meeting the enemy. A skirmish ensued upon a moor, and MacWilliam was slain among the slain.⁶⁸

Peace was restored in the north for a time. But (1201) the king was again in Moray and at Inverness, at the head of an army, putting down a rebellion.⁶⁹ Once more (1211) William was in the north among the hills and moors of Ross, extinguishing a rebellion, which was not terminated till two years later, when its chief leader was captured and executed.⁷⁰

The clash of interests arising from the claims of different parties, comes savagely out in Caithness. This district was only nominally under the Scottish kings; it was possessed

⁶⁷ Skene's *Celtic Scotland*, Vol. I., pp. 475, 476.

⁶⁸ *Ibid.*, pp. 476-479. Robertson's *Scotland under her Early Kings*, Vol. I., pp. 385, 391-393.

⁶⁹ *Historians of Scotland*, Vol. IV., p. 270.

⁷⁰ *Ibid.*, p. 271. Skene's *Celtic Scotland*, Vol. I., p. 482.

an earldom by the earl of Orkney, who of course held his own earldom of the king of Norway, and his tie to Scotland was a very slender one. Earl Harold of Orkney had granted to the Pope a tax of one penny annually from every inhabited house in Caithness. It seems the Bishop of Caithness had refused to collect this tax from the people ; probably he had good reason for acting in that way. But the earl came to Scrabster, and attacked the Bishop, blinded him, and cut out his tongue ; which barbarity only led to other acts of savage cruelty.⁷¹

William the Lion had high notions of prerogative. An example of this was shown by his treatment of the Church and the Pope. The Bishop of St. Andrews having died, 1178, the chapter elected John Scot ; but the king had not been consulted, and he was wroth. He swore by the arm of St. James, his favourite oath, that while he lived John should not be Bishop of St. Andrews. William nominated his own chaplain, Hugh, to the see, and caused the Scotch Bishops to consecrate him ; while he confiscated the goods of John Scot, and banished him from the kingdom. John now appealed to the Pope, and straightway went himself to Rome to assert his claims. The Pope sent him back to Scotland, accompanied by one Alexis, a Legate. This functionary annulled the appointment of Hugh, and confirmed the election of John, who was consecrated by the Bishop of Aberdeen, 1180. But John was instantly forced to leave the kingdom, and again fled to Rome ; the Bishop of Aberdeen also and his friends were driven into exile. The Pope ordered the king to restore John to his bishopric, but this was disregarded ; and the king still continuing his opposition, the last weapon was tried, in 1181. William was excommunicated, and the country put under an interdict.⁷²

⁷¹ *Orkneyinga Saga*, Introd., pp. 42-44, 80, 81. *Saga*, 196, 197. *Miscellany of the Bannatyne Club*, Vol. III., pp. 6, 7. *Skene's Celtic Scotland*, Vol. I., pp. 479, 480-482.

⁷² *Grub's Ecclesiastical History of Scotland*, Vol. I., pp. 292, 293.

Shortly after, the Pope died, and the king sent the Bishop of Glasgow and others to the new Pope; and they obtained alteration of the sentence, the excommunication and interdict were removed. It was then proposed that John should resign the see, and accept of Dunkeld, which was vacant, with the office of chancellor of the kingdom, and some other emolument. But six years elapsed before the dispute finally closed, when John was placed in Dunkeld and Hugh in St. Andrews. Bishop Hugh died, 1188, the year that the controversy ended.⁷³

King William always maintained a firm front to the clerical power; and his reward came by Rome recognising the liberties of the Scotch Church, and the right of the nation to settle many matters within itself, which before were involved and disputed.⁷⁴

This reign is well marked by the progress of feudalism, though many of the old local usages were still in operation. An increase of the royal power was apparent; and charters had become necessary to prove the right of property.⁷⁵ King William died, December 1214, having reigned nearly 40 years. He was succeeded by his son Alexander. But William the Lion left many natural children, both sons and daughters.

⁷³ *Grub's Ecclesiastical History of Scotland*, pp. 293-295.

⁷⁴ *Ibid.*, p. 295. "In 1188, Pope Clement III., in a bull declared that the Scottish Church, the chosen daughter of Rome, containing the Episcopal sees of St. Andrews, Glasgow, Dunkeld, Dunblane, Brechin, Aberdeen, Moray, Ross, and Caithness, shall be subject only to the Apostolic See; that no legate save the Pope, or his Legate *a latere*, shall pronounce sentence of interdict or excommunication against the realm of Scotland; that if any such sentence be pronounced, it shall be null; that no one for the future shall hold the office of Legate in Scotland, except a subject of the kingdom, or one specially deputed for that end by the Apostolic See from its own body; and that no questions arising in Scotland touching the Scottish interests, shall be brought to be decided before judges out of Scotland, unless on appeal to Rome." (*Statuta Ecclesie*, Vol. I. Preface, pp. 39, 40.)

⁷⁵ *Acts Parl. Scot.*, Statutes of William.

⁷⁶ Haile's *Annals*, Vol. I., p. 156.

CHAPTER III.

NARRATIVE TO THE DEATH OF THE MAID OF NORWAY.

SHORTLY after Alexander II. ascended the throne, he joined the league of English barons against King John. Expecting to regain the northern counties, he crossed the border and invested the castle of Norham without success. King John, in great wrath, marched to the north with a mingled host of hirelings, the outcasts of Europe, headed by a few ruffians. The Scottish king withdrew, and John vowed as usual, "By God's teeth, he would smoke him out of his covert"—followed him towards Edinburgh, burning Roxburgh, Dunbar, and Haddington in passing. Alexander, with a strong force, encamped on the river Esk, a few miles south of Edinburgh. But John was afraid to risk a battle, for he was a coward as well as cruel; and, unable to stay longer in a country which his ferocity had wasted, he returned to England—in his retreat setting fire to the Abbey of Coldingham, and kindling with his own hands the house where he slept the preceding night, as the signal for the burning of Berwick.¹

The Scots again entered the north of England, and the usual destructive warfare went on, until the death of John, when peace was concluded (1217). The King of Scots, however, had incurred the wrath of the head of the Church, by supporting the cause of the English barons against John, and Alexander and his kingdom were excommunicated. The Scotch people were not finally released from the consequences of their king's

¹ *Historians of Scotland*, Vol. IV., Fordun, p. 299. *Chronicles of Lanercost*, pp. 17, 18, and Notes, p. 373. Haile's *Annals*, Vol. I., pp. 158, 159.

policy till they had contributed largely to fill the money bags of the Papal Legate.²

About 1222 the line of the marches between England and Scotland was becoming pretty well marked, and the adjustment of the boundaries gave peace for a time to the borders. A more definite arrangement between the two countries was agreed to (1237), and from this date the efforts to extend the Scottish frontier southward may be said to cease.³ But in the north, the west, and Galloway, risings were still rife.

The king, at the head of an army, invaded Argyle, 1222, with the object of subduing it. There was a rising at the time, but the king thought the people of the west and their chiefs were not ready enough in mustering round the royal standard to support his authority.⁴ He therefore entered Argyle with an overwhelming force, and the inhabitants were frightened. Those who had no hope of the king's clemency fled for their lives to the mountains, and their lands and possessions were distributed by the king among his own adherents. Some gave hostages, and others large sums of money, to purchase the king's peace.⁵

This invasion of Argyle resulted in an extension of the feudal authority of the crown. A considerable portion of the district was made a sheriffdom, but the northern part still remained under the Lord of Lorne.⁶ A short time before, the large bishopric of Dunkeld had been divided, and the western portion formed into the diocese of Argyle. In this region, Gaelic alone was spoken.⁷ The chief object, however, for erecting a separate diocese was to attach the district more firmly to the crown, and afford more support to the royal authority.

² *Historians of Scotland*, Vol. IV., pp. 280-283.

³ Burton's *History of Scotland*, Vol. II., pp. 80, 81.

⁴ *Acts Parl. Scot.*, Vol. I. Statutes of Alexander II.

⁵ *Historians of Scotland*, Vol. IV., p. 284.

⁶ W. E. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 16, 17.

⁷ Grub's *Ecclesiastical History of Scotland*, Vol. I., p. 301.

that time the authority of the church and that of the king were more dependent on each other than in later times. The dependence of a province of a bishop with his tenantry upon the land was a strong local power on the side of the government.⁸

But it sometimes happened that the bishop of a district was disposed to push his exactions too far, and retaliation followed. Adam was consecrated Bishop of Caithness, 1214, and he demanded more church dues than the people were accustomed to pay. The custom of Caithness was a span of butter for every twenty cows. Each farmer had to pay this. Bishop Adam wished to increase it, and demanded a span for every fifteen cows, then for twelve, and at last ordered a span for every ten cows. Here the endurance of the people ceased. Their feelings and passions became excited; they assembled on a hill above the place where the bishop was, and in a tumultuous uproar proceeded to his house. The bishop and his friends were taken by surprise, and Serlo, a monk of Newbattle, went to the door. He was instantly struck, and fell back dead into the room. They then set fire to the house and burnt it about the bishop's body. Thus perished Bishop Adam, the victim of his own greed, 1212. The king and the church punished all who were implicated in the outrage, and many were the persons executed, mutilated, and fined to avenge the deed.⁹

The next Bishop of Caithness was Gilbert, a more prudent man. He maintained and increased the authority of the church. He erected a new cathedral at Dornach, and framed its constitution. Gilbert held the bishopric twenty-three years, and after death was venerated as a saint.¹⁰

⁸ W. E. Robertson's *Scotland under her Early Kings*, Vol. II., p. 17. *Antiquities of Scotland*, Vol. I., pp. 53, 54.

⁹ *Miscellany of Bannatyne Club*, Vol. III., pp. 9, 10. *Orkneyinga Saga*, pp. 10, 201. Fordun says—"Many of those who wrought this deed the king caused be mangled in limb, and racked and tortured" (*Historians of Scotland*, Vol. I., pp. 284, 285).

¹⁰ *Miscellany of the Bannatyne Club*, Vol. III. W. E. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 20, 21.

There were still disturbances in the north, but the notices of our chronicles scarcely afford the means of explaining them. About 1229, there was an insurrection in Moray, which was partly suppressed by the Earl of Buchan. Shortly after, the district of Badenoch is found in the possession of a Comyn. The lands of the disaffected were frequently forfeited,¹¹ and the king bestowed them upon his own favourites. It is only from this point of view that many of the risings can be understood.

The policy of the crown was to extend and consolidate its authority to the utmost limits of the Highlands and Islands. In the midst of an expedition with this aim, Alexander II. died on the Isle of Kerrera, the 8th of July, 1249.¹² He was a man of great energy, well qualified to rule, and his reign is marked by various progressive attempts.

In this reign the Scottish Church began to hold regular provincial councils. The national clergy were empowered, by a bull from the Pope, 1225, to hold councils without the summons or the presence of a Papal Legate, and to enact and promulgate canons. The conservator of the council was chosen by the bishops from among themselves. He held office simply from one council to another, with power to punish transgressors of the canons, and to enforce their observance by the censure of the church. He called the council together by a writ to each bishop, and when absent himself from the meeting, the oldest bishop present took his place and presided.¹³

The Scotch clergy adopted a definite system of rules for the assembling of provincial councils and diocesan synods to be held yearly. And before the end of the 13th century, they passed and adopted about sixty canons, which appear to have sufficed for the government of the Scotch church down almost to the Reformation. From 1225 till 1478, the Scotch church was ruled, under the Pope, by its own national synods, and the

¹¹ *Historians of Scotland*, Vol. IV., p. 288.

¹² *Ibid.*, *Chronicles of Picts and Scots*, p. 182.

¹³ *Statuta Eccles. Scot.*, Vol. I., Pref., pp. 49-51.

temporary presidents ;¹⁴ though, of course, the crown often interfered : the Scotch kings, from David I. onwards, were always careful to assert the supremacy of the crown in ecclesiastical matters.¹⁵

Alexander II. was succeeded by his son, a boy of eight years. He was immediately crowned at Scone, amid an assembly of the nobles, the clergy, and the people. At this ceremony, there appeared an old man of the Celtic race, who hailed the young king in the Gaelic tongue, as the descendant of the ancient kings of Albany, and read off his long line of pedigree to the end, going on from man to man, until he came to the first Scot—namely, Iber Scot.¹⁶ This incident seems to indicate that the Celtic people were not as yet so utterly disregarded as has been commonly assumed.

During the king's minority, the nobles fully entered on that prehensile policy of faction and grovelling ambition which figures so largely in the subsequent history of the country. The perverse instincts of an alien aristocracy were noxious to all the best interests of the kingdom ; this was painfully apparent when the hour of difficulty and battle came. To enter into the details of the various moves of the scheming nobles who now ruled the kingdom, or the interference of King Henry of England in the government, would hardly repay the trouble, as it produced no abiding result on the history of the nation. It would but show what, unhappily, needs little exposition—how entirely anomalous the position of the new nobility was in Scotland.

The two chief parties were the Scotch nobles of the north and other parts of the kingdom, the most powerful man among whom was the Earl of Menteith, a Comyn ; the Comyns themselves were a numerous and united group, and many of the old

¹⁴ *Statuta Eccles. Scot.*, pp. 50, 54, 182, 184. Grub's *Ecclesiastical History of Scotland*, Vol. I., pp. 309, 110.

¹⁵ *Statuta Eccles. Scot.*, Vol. I., Preface, pp. 41, 42, 53, 54.

¹⁶ *Historians of Scotland*, Vol. IV., pp. 289, 290.

Scots chiefs adhered to them. The other party of the nobles were mostly connected with the south of Scotland, and foremost among them were Alan Durward, Patrick, Earl of March, the Steward of Scotland, and others of less note. This faction manifested a strong tendency to lean to England, because many of them had possessions there; they were strangers to Scotland, often hateful to the people, and they were generally ready to forward the interest of the kings of England, with the hope of extending and securing their hold upon the land of Scotland. In the continual struggle of these grasping nobles, the people were the sufferers; the citizens and the poor were robbed and oppressed.¹⁷

The career of the Norseman in Scotland has been repeatedly noticed. The Islands of Orkney and Shetland were dependencies of Norway, ruled by a local chief who sometimes assumed to act as an independent king. The Western Islands also belonged to them; and on the mainland, to the north-west of the Moray Firth and the tract of Glenmore, there was a region not clearly marked off, a sort of debatable land where the Scottish kings, as we have seen, had been long striving to overcome and bridle the power of the local chiefs, who maintained a kind of regal sway. When Alexander III. attained the age of twenty-one, he announced his intention of subduing the Western Islands. The war was commenced by the local chiefs of Ross. It appears Haco, the king of Norway, deemed this pressure upon the Western and Island chiefs an encroachment on his own rights. A despot himself, and well obeyed, he ordered a conscription over all his dominions. Having collected a large fleet, he sailed for the Orkney Islands in July, 1263, with the most powerful armament that had as yet steered from Norway. The number of the vessels is variously stated at from 120 to 160

¹⁷ *Historians of Scotland*, pp. 292, 293. Haile's *Annals*, Vol. I., pp. 181-1 — W. E. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 55, 56.

¹⁸ *Historians of Scotland*, Vol. IV., p. 295. Burton's *History of Scotland* — Vol. II., pp. 105, 106. Skene's *Celtic Scotland*, Vol. I., p. 492.

After plundering several places in his course, the main part of the fleet anchored in the Firth of Clyde between the Island of Arran and the coasts of Argyleshire. The Scots were anxious for a truce, and a final peace. At first their demands were moderate, and they only claimed the mainland, the small Islands of Bute, Arran, and the Cumbraes. The chief aim of the Scots, however, was delay, to enable them to gather a force; as winter approached the truce came to a close. The elements, as was anticipated, began to fight against the invaders; hurricane and tempest disabled and broke up the mighty fleet.¹⁹

Some of the ships stranded near the village of Largs, and while the heights above the seashore swarmed with people ready to pounce on the crews, a reinforcement was sent from the fleet, but it was insufficient. Next day Haco landed a strong force, to bring off the remainder of his men from the shore. A pretty sharp skirmish ensued, the Norwegians fought bravely, with varying success; and at last the shattered remnants of the army gained their boats and ships. So ended this affair, hardly entitled to the rank of a battle; though by the general failure of the expedition, owing to other causes, it assumed importance.²⁰

The king of Norway with his diminished and dismantled fleet was sorely tossed upon the remorseless ocean. He steered for Orkney, and on the 15th of December Haco died there. His body lay three months in the church of Kirkwall.²¹ As soon as the news of Haco's death reached the ears of the king of Scotland, the moment was deemed opportune for the royal power, and reducing the Western Islands. Alexander sent a great force into the Islands, and the local chiefs were hanged, slain, or expelled, according to the supposed degree of encouragement they had given to Haco the year before. The representatives

¹⁹ W. E. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 88-90.

²⁰ *Ibid.*, pp. 91-94.

²¹ *Ibid.*, pp. 95, 96.

of the crown, the Earls of Buchan and Mar, and Alan Durward, returned with the plunder of the Islands in their hands.²²

A treaty was concluded with Norway, 1266, by which all the Islands off the coasts of North Britain, were ceded to Scotland, on the condition that the Scots paid four thousand merks sterling, and one hundred merks sterling, as a yearly quit rent for ever. The Islands of Orkney and Shetland were not included, but remained attached to the crown of Norway.²³ Henceforth Scotland was freed from the Norsemen and the Danes. Now it might have been thought the nation would be allowed to follow the paths of peace; but this was not to be, and it is useless to regret.

The remaining years of the reign of Alexander were peaceful. He had a son and daughter both married, and the prospects of the nation were exceedingly bright. But they both died within a few weeks of each other, and left the king childless. The great difficulty was at once seen, and a council was assembled within a week after the death of his son. At this meeting, on the 5th of February, 1284, there were twelve earls, eleven bishops, and twenty-five barons, who bound themselves in the name of the whole community, to support the right of the king's grand-daughter, Margaret, the Maid of Norway, as the heiress of the crown of Scotland.²⁴

Upon the 15th of March, 1286, the king, while riding in the dark along the coast of Fife, near the present borough of Kinghorn, was thrown from his horse and killed²⁵—a sad and mournful end. The lamentation was universal, and all looked forward to the future with dismay. The last king of the Celtic race of Scotland sleeps with his fathers; and the crown of a far descended line falls to a weakly infant. The horizon is already blackening, the thickening clouds are gather-

²² *Historians of Scotland*, Vol. IV., p. 296.

²³ *Ibid.*, pp. 296, 297.

²⁴ *Acts Parl. Scot.*, Vol. I. p. 82.

²⁵ *Chronicles of the Picts and Scots*, p. 208.

ing fast ; a grasping nobility are madly seething to obtain their ends, like enraged waves heedlessly dashing against the rocks ; while high above them all, in the distance, serenely sits a king with eagle eyes, brooding over the object of his prey. He is in no hurry, but coolly beholds and calculates, and awaits his opportunity—are not these thoughts uppermost in his mind ? Rays of hope and dreams of glory, vain shadows of a fleeting day !

A meeting of the nobles and clergy was held at Scone, on the 2nd of April, 1286, when six guardians were chosen to govern the kingdom. For the districts north of the Forth, the Bishop of St. Andrews, the Earl of Fife, and the Earl of Buchan ; for the country to the south, the Bishop of Glasgow, John Comyn, Lord of Badenoch, and the High Steward of Scotland.²⁶ The elements of strife were now astir, more than one of the nobles aspired to the throne of Scotland, which they considered as all but vacant. Robert Bruce entered into a bond with a number of nobles, both Scotch and English, with the aim of supporting his claim to the crown. This document is dated the 20th of September, 1286, and contained the names of the Earl of Dunbar and his three sons, Menteith and his two sons ; the High Steward of Scotland, Angus, the Lord of the Isles and his son, the Earl of Ulster, and Lord Thomas de Clare—two English barons.²⁷ It appears Bruce's party was pretty strong ; they ignored the young queen, but assumed that the throne would be occupied by one of the royal blood, who should obtain it according to the ancient customs approved of and observed in the kingdom.

It is uncertain whether King Edward ever knew of this bond. He had a project of his own ; he had a son, and if this son could only be married to the Maid of Norway, all would go right. Edward, therefore, applied to the Pope for a dispensa-

²⁶ *Historians of Scotland*, Vol. IV., pp. 305-313. Haile's *Annals*, Vol I., p. 203.

²⁷ *Hist. Documents of Scot.*, from 1286 to 1306, Rec. Pub., Vol. I., pp. 22, 23.

tion to sanction the marriage.²⁸ A Papal Bull was issued, November, 1289, authorising the marriage of the young prince with Margaret, Queen of Scotland, though they were within the prohibited degrees of relationship.²⁹ About the same time a conference was held at Salisbury, when various matters touching the marriage were arranged, with the concurrence of England, Norway, and Scotland.³⁰ A meeting of the bishops, abbots, priors, earls, and barons of Scotland, at Brigham, March, 1290, with the ambassadors of England, confirmed the treaty of Salisbury, and sanctioned the marriage of the royal children.³¹

The treaty of Brigham provided that the rights, laws, and liberties of Scotland should continue entire and unbroken. No native of Scotland was to be compelled to answer for any crime or cause out of the kingdom. No parliament was to be held outside the boundaries of Scotland, to discuss affairs relating to the kingdom. In short, the complete independence of the nation was emphatically recognised and strictly guarded by the treaty.³²

But probably King Edward imagined he had now secured the kingdom of Scotland. His next move was extremely bold. He appointed the Bishop of Durham Lieutenant of Scotland in the name of Queen Margaret and the Prince of England, to act along with the guardians, and by the advice of the bishops and nobles of the realm. Waxing still bolder, he then demanded that all the castles and fortresses in Scotland should be immediately yielded up to him. He had, however, miscalculated the weight of his dignity; the Scots refused to deliver the castles and strongholds of the kingdom into his hands.³³

Edward lost no time in preparing a ship to transport the young queen from Norway. It was well stored with luxuries—

²⁸ *Historical Documents of Scotland*, Vol. I., pp. 90, 91, 134.

²⁹ *Ibid.*, pp. 35, 36, 111-113.

³⁰ *Ibid.*, pp. 105-111.

³¹ *Ibid.*, 129-131.

³² Haile's *Annals*, Vol. I., pp. 208-212.

³³ *Ibid.*, pp. 212, 213.

thirty-one hogsheads and one pipe of wine, ten barrels of beer, and a large quantity of salted beef, hams, dried fish, stock fish, lampreys, sturgeon, and fifty pounds of whale; along with twenty-two gallons of mustard, salt, pepper, vinegar, and onions. A little stock of dainties for the delicate stomach of the young princess—consisting of five hundred walnuts, two loaves of sugar, grits and oatmeal, mace, figs, raisins, and thirty-eight pounds of ginger-bread. The ship bore the English arms, and the crew mustered forty hands.³⁴

In due time the ship sailed from Norway, with the little queen on board. Edward sent agents to Orkney to meet her, and a number of jewels were sent into Scotland for the proper bedecking of the infant queen. The king of England indeed put himself to enormous trouble to secure the conclusion of this marriage.³⁵ But the child died just before reaching the Orkney Islands, in September, 1290.³⁶ Thus perished the hopes of King Edward and his marriage project. A different line of procedure was adopted, still with the same end—the subjection of Scotland. Before going further, it will be better to review the state of society and the progress of the nation up to the date of the outbreak of the war.

³⁴ *Historical Documents of Scotland*, Record Pub., Vol. I., pp. 139, 140; see also Preface, pp. 40, 41.

³⁵ *Ibid.*, pp. 182, 183-192, 178, 179, 149-153.

³⁶ *Ibid.*, Preface, p. 41.

CHAPTER IV.

THE STATE OF SOCIETY AND THE PROGRESS OF THE NATION IN THE TWELFTH AND THIRTEENTH CENTURIES.

AT the end of the 11th century, the people of Scotland and their government, as we have seen, were essentially Celtic. There were, however, Saxons in the south and the Lothians, and at the other extremity of the country, the Norsemen occupied portions of Sutherland and Caithness along the coasts and valleys, and the Islands. The consolidation of the nation had been long, though slowly, progressing; as yet it was hardly completed. Throughout the period under review, the government was gradually undergoing a change; and ere the end of the 13th century, Scotland had assumed a feudal aspect. Some of the innovations encountered much opposition, and a few of the most noxious features of Norman feudalism never obtained a full footing; the savage points of the royal forest laws had little effect in Scotland.¹ Long after this, there were customs in the north and other districts at variance with strict feudalism, but the Lowland parts of the kingdom were overspread by a feudal network, and a pretty compact organisation had at length arisen.

An exhaustive description of feudalism would be out of place here. But it is essential to the comprehension of Scottish history to bring forward once for all the salient points of the system. Its effects and results on the civilisation of the nation will continually come up, almost to the end of this history.

¹ Burton's *History of Scotland*, Vol. II., pp. 155-158. Chambers's *Calendar of Documents*, Vol. I., p. 765.

² Innes's *Legal Antiquities*, pp. 156, 157. *Acts Parl. Scot.*, Vol. I.

As it has been surrounded with a halo of glory and a host of virtues it never possessed, we must examine its roots and tissue.

At the head of the feudal organisation stood the king as the leader of the army, the recognised fountain of honour, and the dispenser of titles and dignities; nominally the chief administrator of justice, and the principal land-holder in the state.³ The main source of his revenue accrued from the crown lands throughout the country, mostly paid in kind, as cattle, sheep, swine, grain, and dairy produce; the fines and fees of the king's courts; the rents of the royal boroughs; the customs and duties of merchandise; the feudal burdens of ward, relief, marriage, and nonentry. In this way the feudal king of Scotland raised a considerable income. Under the year 1264, the chamberlain accounted for £5313 in money.⁴

The king was surrounded by his Justiciar, Chamberlain, Chancellor, Constable, and other officials; and before the end of the 13th century most of these offices had become hereditary among the families of the nobility.⁵ It appears the king must have been powerful, and in the 13th century the kings of Scotland had a considerable degree of power; but the natural tendency of feudalism, together with the impolitic grants of unlimited jurisdiction over large tracts of land, lavished by the crown itself on an alien aristocracy, completely overshadowed the monarch, and at last reduced the executive to the merest symbol.

There are faint notices of our kings consulting with their nobles and the clergy at an earlier period. We have now more light, as some of the acts of the king and his council are recorded. According to the feudal theory, all the king's vassals were required to attend his courts; but in fact, in early times, only a few of the

³ W. E. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 127, 128; and Tytler's *History of Scotland*, Vol. II., pp. 231, 232. 1829.

⁴ Chamberlain's *Rolls*, Vol. I.; Innes's *Scotland in the Middle Ages*, pp. 122.

⁵ W. E. Robertson's *Scotland Under her Early Kings*, Vol. II., p. 136.

nobles, the officers of state, and some of the churchmen compose the king's council. To clear up the point, it may be stated that the phrase "the king and his council" does not mean an established body of responsible advisers; it only means the advice of those whom he consulted. Again, the meeting together is not always necessary, as the advice of the councillors may be taken separately.⁶ In 1107, Alexander I. held a Council, when Turgot was chosen Bishop of St. Andrews by the king, the clergy, and the people; and when he reformed the Abbey of Scone, 1114, the council of good men consisted of Alexander himself, his queen, two bishops, six earls, and others who witnessed it.⁷ In many other instances, however, we find the Assizes and Laws running in the name of the king and his judges alone. William the Lion held a council at Perth, 1188, when the members are described as bishops, abbots, priors, earls, barons, and good men of the land. Similar meetings occur in succeeding reigns.⁸ Alexander II. held a parliament at Stirling, 1230, in which there were churchmen and many others. They passed a measure, with the consent of the whole community.⁹ But there was no Parliament in Scotland, as now understood, before the 14th century.

In other documents of the age, imparting rights to individuals and local communities, we always find somebody concurring with the king. The charters granted to the religious houses, the boroughs, and individuals, were assented to by a number of persons.¹⁰ The early kings of Scotland never pretended to act absolutely of their own will, though in later times some of them occasionally came very near it.

The king's justiciar, the highest legal functionary, appears

⁶ *Burton's History of Scotland*, Vol. II., p. 162. *Acts Parl. Scot.*, Vol. I., p. 162. *Assizes of David, William, Alexander the Second*.

⁷ *Book of Scone*. Innes's *Legal Antiquities*, p. 99.

⁸ *Acts Parl. Scot.*, Vol. I., pp. 68, 69, 54, 73, 74, 83.

⁹ *Ibid.*

¹⁰ *Register of Dunfermline*, p. 5. *Acts Parl. Scot.*, Vol. I.

as early as the 12th century. In the reign of William the Lion there were two, one for Lothian and another for the country beyond the Forth. They went circuits twice every year, when the state of society admitted.¹¹ Before the death of Alexander III. there were four justiciars, two for the country north of the Forth, one for Lothian, and another for Galloway and the rest of the southern region.¹²

The sheriff appears early in the 12th century, and about the end of the reign of David I. the greater part of the kingdom was divided into sheriffdoms. Though the sheriff was the servant of the crown, the office soon assumed the hereditary garb, and the families of the aristocracy engrossed it. From his first appearance, the sheriff exercised an extensive jurisdiction both in criminal and civil matters. In the latter part of the 13th century there were thirty-four sheriffdoms in Scotland.¹³ But it would be a grave mistake to suppose that a refined system of law was in operation throughout the realm. It will presently be seen that there was a curious jumble of elements.

As a natural outcome of the lavish grants of land heaped by the kings upon an extraneous nobility, and on the higher churchmen, the land of Scotland, in the 12th century, began to be divided into royalty and regality. The first was under the jurisdiction of the king's judges, the second under the absolute jurisdiction of the nobles and the clergy. It is hardly possible for us to realise this state of things. A large portion of the whole territory of the country was converted into regality, which simply stripped the crown of the better part of its prerogative.¹⁴ A jurisdiction of regality comprehended all cases, except treason. Every other judge was debarred from

¹¹ Tytler's *History of Scotland*, Vol. II., pp. 240, 241. Chamberlain's *Rolls*, Vol. I., Reign of Alexander III.

¹² W. E. Robertson's *Scotland under her Early Kings*, Vol. II., p. 133.

¹³ *Acts Parl. Scot.*, Vol. I., pp. 87-90, *et. seq.* Chamberlain's *Rolls*, Vol. I. Chambers's *Caledonia*, Vol. I., p. 715.

¹⁴ *Spalding Club Miscellany*, Vol. II., pref., p. 47.

interfering within its bounds, even the king himself.¹⁵ The clergy were the first to whom these privileges were granted by charter. Alexander I. empowered the monks of Seone to hold their own court in the freest manner, giving judgment either by combat, iron, or water. This was confirmed by Malcolm IV. Similar powers were conferred on all the great religious houses of Scotland.¹⁷

An attempt is made by Dr. Burton to show that the king could not help themselves, that the circumstances compelled them to give such grants to the nobles.¹⁸ Certainly the state society at all times has a controlling influence. This, however, is not absolute but relative, and nothing is gained by simply shrinking the subject up in that fashion, and slurring over the enormous powers granted to alien and fugitive intruders. Where lay the compulsion to grant land to the adventurer from Normandy and England? These fugitives ought to have been thankful to be allowed to live in Scotland, after their own country became too hot for them, with something far less than an earldom or a barony. When these noble Normans, stripped of their false virtues, one thing only remains: they were all steeped to the throat with avidity and a low game ambition as yet unmatched.

As the natural connection of the baron with the land and its inhabitants constituted the very soul of feudalism, it should have been explained how it happened that a foreigner, with any local connection whatever, could be a great feudal lord in Scotland. Indeed this is not real feudalism, but a bastard beginning to end, like its founder, William the Conqueror.

¹⁵ *Spalding Club Miscellany*, pp. 49, 50; and Tytler's *History of Scotland*, Vol. II., p. 247, 248.

¹⁶ *Book of Seone*.

¹⁷ See the foundation charters of the various Monasteries in the Registers. Many of them are printed in the first volume of the *Scottish Parliament*.

¹⁸ Burton's *History of Scotland*, Vol. II., pp. 130, 131.

n of a tanner's daughter. This is manifest when Acts of parliament were required to force the inhabitants to commend themselves to their lords.¹⁹ There was no local bond or tie between the alien lords and the mass of the people, hence the reason of these new regulations. The Norman nobles, though all supported by the Crown, never acquired much respect among the people. They were generally hated and despised, and they knew it; so they were always disposed to sell the kingdom to England, and in that way overmaster the hatred of the people.

It is at all times a fair question whether the king's written order of permission to a foreigner to seize and hold possession of land which belongs to others be not robbery and spoliation? It is not at all to the point to say that the land belonged to the king. As a matter of undoubted fact, the land belonged to the native population and their local chiefs. Nor will it avail to say that the land had fallen to the king by forfeiture, as this is simply one of the bastard feudal quirks, first adopted about that time, to afford some colour for such robbery. If it be said that society was then so rude that no moral wrong could be committed in the matter, this plea is hardly admissible for those who would most desire to make it, as it must cut through and all round on every side. These are rather nice points, but it might at least have occurred to the minds of the writers who glorify the Norman aliens, said to have settled here, that such questions would one day be asked; yet the advocates of robbery and spoliation pride themselves in openly proclaiming and asserting that their ancestors robbed almost everybody in Scotland. This is a curious and comic sign of justice and civilisation.

It was an easy matter for such men to run and give a part of their stolen land to the Church, in order that they might obtain forgiveness, and be allowed to keep the rest, although,

¹⁹ *Acts Parl. Scot.*, Vol. I., pp. 9, 51.

in their haste to become rich, they ran the risk of raising up powerful rival; and, when they thought themselves strong enough, they re-seized all the property of the Church.²⁰

If these deductions offend anyone, the only thing is to show that they are untrue. It is too clear that the kings of this period as far as they could by the formality of charters, committed the injustice of taking a large part of the land from its real possessors and gave it to strangers. The results of this were palpably visible when the day of trial came.

Then it was that charters were made a necessary condition of the right to hold land.²¹ Actual possession for generations constituted no claim, until it was proved before the king's court. When it was proved that the party had possessed the land for four generations, then it rested with the king to give a charter. But if the party failed to prove this, which in the majority of instances must have been the case, the king, the earl, or the churchman interested, had the manipulation of the whole affair in his own hands. Any one with experience of the world as it is, and of human nature, even in a state of society far more advanced than prevailed then in Scotland, will at once see how much injustice and robbery could be effected by a process of this character. It need not, therefore, surprise us to hear that the people rose in revolt, and appealed to the sword to retain their rights. The Normans, however, always declined to meet such appeals.²² In spite of their vaunted bravery, if it had ever come to a stand-fight on equal conditions, man to man, face to face, their arms would have been easily measured in Scotland.

There can be no doubt a considerable portion of the people sank from a higher to a lower status, during the process of

²⁰ *Statuta. Eccles. Scot.*, Vol. I., pref., pp. 59-61. *Acts Parl. Scot.*, Vol. I., p. 83. Here it is seen how soon the nobles began to re-take Church property.

²¹ *Acts Parl. Scot.*, Vol. I., pp. 51, 70, 71, 74.

²² *Ibid.*, App. to Pref., pp. 90, 92. W. E. Robertson's *Scotland under Early Kings*, Vol. I., pp. 289, 290.

²³ *Acts Parl. Scot.*, Vol. I., pp. 13, 70, 71.

feudalisation of Scotland.²⁴ The encroachment of the new lord, with the aid of the king, would be according to the degree of uncertainty of the rights of the people. It was this which was so rudely and cruelly taken advantage of in Scotland and elsewhere,²⁵ though the real rights of the community were not altogether uncertain ; as they were founded in natural circumstances—long usage and local custom. And when a simple and unlettered people were suddenly and summarily called upon to prove their right to hold their lands before the king's court, it is at once seen that any amount of injustice might ensue. It is very little to the purpose to talk about the ideas and high moral sense of David I.; St. David's sentiments and ideas were merely those of his class and age, and nothing more.

The alien Norman nobles speedily acquired numerous and enormous jurisdictions. A grant of earldom or regality was the highest, to which a grant of free forest was often subsequently added to improve the title. Indeed, it would have been extremely unsafe to confer both at once, this probably in most cases would have exceeded the endurance of the people. As a grant of free forest involved a host of points relating to game and the privileges of hunting, and with the right of feeding swine in the forest, at the season of pannage, when the mast of the beech and oak are fallen.²⁶

A grant of earldom, and also the lower grant of free barony, not only conferred the most highly privileged tenure of land, but a complete jurisdiction over all the inhabitants of the territory,

²⁴ "That the result of the Norman Conquest was the social thrusting down of the great mass of Englishmen, there can be no doubt, but it was not as Englishmen that they were thrust down" (Freeman's *History of the Norman Conquest*, Vol. V., p. 476). The fact is, the Englishmen were thrust down by the new forms of land tenure introduced by the Normans. The very same thing occurred in Scotland on a smaller scale, and extended over a longer period. The mass of the Celtic people were thrust down by a cruel process of slow robbery.

²⁵ Maine's *Village Communities*, 138, 141, 142.

²⁶ Innes's *Legal Antiquities*, pp. 40, 41. Chambers's *Caledonia*, Vol. I., pp. 751, 752. *Records of the Family of Leslie*, Vol. I., pp. 147, 152.

with all the fees, fines, and emoluments, which in that age made such powers valuable. The mere enumeration of the parts and pertinents of these grants by charter, is something formidable, and may startle the uninitiated. They commonly embrace the following things—"the woods and plains, the pastures and meadows, mosses and marches, the running waters, ponds, and fish tanks, the roads and paths; with the brushwood, jungle, and heaths, the peatrics and turbaries, the coal fields, quarries, stone, and limestone; with the mills and the sucken, the smithies, brew-houses, and saltworks; and the fishings, hawkings, and huntings".²⁷ Such is a bare indication of the powers granted by the crown to the barons, as the lords of the soil; and it is clear enough, that the earth, and the waters and the fulness thereof, were made the property of the lord as far as the king's charter could go.

But the rights of the nobles as lords of the soil, were light compared with their power over the lives and actions of the whole inhabitants within the limits of the grant. At the top stood the right of pit and gallows, jurisdiction in life and limb the true mark of a baron in those days.²⁸ All cases of assault, bloodshed, and theft, in fact, all the disputes which arose among the population of the territory came within their jurisdiction, and the fees and fines, and all the escheats of goods and

²⁷ Innes's *Legal Antiquities*, pp. 42-48. *Antiquities of the Shires Aberdeen and Banff*, Vol. II., p. 109. See Vols. III. and IV. *in loc.*

²⁸ "All feudal lords through feudal Europe were equally fond and proud of the right of executing those whom they had first convicted and sentenced to death. . . . The gallowhill is still an object of interest, and, I fear, of pride, near our old baronial mansions; and I know somewhere the surrounding ground is full of the remains of the poor wretches who died by the barons' hands. Perhaps the pit was for the female thief; for women sentenced to death for the most part drowned, and I have an old court book of a regality, quite in date, 1640, where the simple form of record in criminal process, 'write in the middle of the page of the court-book, the name and offence of the accused, with the names of the assize, and upon the margin to inscribe the words, 'convicted,' 'hanged,' or 'drowned'. In the few cases where it was necessary to record an acquittal, the word on the margin is 'cleared' (Innes's *Legal Antiquities*, pp. 58, 59).

chattels, of course went into the coffers of the lord. He was also entitled to enforce ward, relief, and merchent from his vassals, tenants, and bondmen, for the marriage of their daughters; besides many other heavy services.²⁹

Among other matters in these charters, we meet with notices of slaves. The words—"with bondmen and their holdings and services," seem to indicate a class of serfs, but not the lowest one. Next comes—"with natives," or sometimes "with natives and their followings," that is, their families. This class was bought and sold like cattle or horses.³⁰ At this time a great number of the people of Scotland were out and out slaves. Ample evidence of this is found in the transactions of the period and the laws.³¹ The register of the Monastery of Dunfermline contains genealogies for enabling the lord to trace and reclaim his stock of serfs by descent.³² The king's writs for the recovery of tried and fugitive slaves, and processes for reclaiming them, are often met.³³

Across the border, throughout England, slaves were numerous. In Northumberland, on the lands belonging to the Priory of Hexham, there were many serfs. Notices of them are scattered all through the rent-roll of that religious house.³⁴

²⁹ *Acts Parl. Scot.*, Vol. I., pp. 7, 10, 52, 53, 73, 287, 288. Innes's *Ibid.*, pp. 49-58.

³⁰ *Register of Kelso*, p. 95. *Charters of Holyrood Abbey*, pp. 12, 24. *Tytler's History of Scotland*, Vol. II., pp. 253-258, 480, 481.

³¹ *Acts Parl. Scot.*, Vol. I., pp. 38, 59, 69, and Appendix to Preface, p. 84, and *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 8, 9, 43, 90, 119.

³² *Register of Dunfermline*, pp. 220-222.

³³ *Acts Parl. Scot.*, Vol. I., pp. 291, 294. Innes's *Legal Antiquities*, pp. 231, 232. *National MSS.*, Part I.

³⁴ The learned editor of the *Records of the Priory of Hexham*, says, "It is evident that whatever their social position was, they could hold land, and they are generally found among the cottagers. And yet in the eyes of the law, they are really slaves, and belonged to their lords, as much as the negro did to the planter. At an earlier period, I have discovered several documents in which an Archbishop of York sells a native, and his wife, and children, bag and baggage. Such transactions were common enough." (*The Black Book of Hexham*, Preface, p. 20)

The condition of the bond and servile class was one of hard toil and suffering. They are not often mentioned in the pages of the chroniclers, nor the historians who wrote for the aristocracy and upper classes. Though mostly ignored in the history of the times, the population attached to the soil were those upon whom the brunt and burden of famine, pestilence, and war mainly fell. When the right of unlimited exactation prevailed, the bondmen and serfs must often have approached the verge of starvation, long before their lords endured the pangs of want. And, in fact, those excessively oppressive duties connected with the feudal system, fell most heavily upon them.³⁵

The subject of serfs will again come up, when the causes of their emancipation and disappearance will be handled. As all the explanations yet given by our historians must be regarded as falling short, it was deemed right to indicate the prevalence of the institution at this period.

The powers of the nobles over the land and its inhabitants, have been briefly, but I hope clearly stated; much, however, remains to be explained. Owing to the inwarping nature of feudalism, it is difficult to rip it fairly up. The earls, the barons, the heads of the religious houses, and the bishops, could grant and sublet their lands to their vassals and friends, with almost as great powers over it and the inhabitants as they had themselves. This second class, again, could let and relet under various forms. In this way many of the small gentry and "bonnet-lairds" arose,³⁶ and according to the constant tendency of feudalism, invested themselves with the hereditary mantle. The class of small gentry soon became numerous, though at that time they were almost wholly under the

³⁵ W. E. Robertson's *Scotland*, Vol. II., pp. 169, 170.

³⁶ *Ibid.*, Vol. I., pp. 290, 291. Innes's *Legal Antiquities*, p. 246. *Register of Kelso and Melrose*. *Antiquities of the Shires of Aberdeen and Banff*. *Spalding Club*.

ommand of their lords, afterwards many of them assumed a higher position.⁸⁷

Another class demands a passing notice—the Scotch Thanes. They were long a thorn to a well-known class of historians. The thanes are mostly found in the north and beyond the Frampians. It has been supposed that they were like the sheriffs, servants of the crown, appointed to look after the taxes and the interest of the government.⁸⁸ But this is hardly supported by a sufficiency of known facts. The Scotch thane of the 13th and 14th centuries somewhat resembled the Celtic *toishach*. In many instances the name and rights of the earlier official and dignitary are simply transferred in the Lowland speech to a person differing little in real rank and position. Thus the *mormaer*, the local chief of a district, during this period passed into the *earl*.

We have seen that the kingdom was gradually formed by internal conquest. Here, as elsewhere, the slow but certain tendency eventually resulted in the creation of a central power. Hence it naturally came to be assumed that all local ranks and agencies were under the control of the crown. The king was continually asserting claims and attempting to establish royal rights long before he was able to enforce them. It seems the Scotch thanes merely held their lands by an older tenure than the new orders of nobles and knights. On the whole there was little very new introduced—there was no sudden revolution, but a modification and transfer of rights and titles chiefly among the upper classes, with the aim of bringing the whole country more and more under the power and influence of the crown.

⁸⁷ *Chamberlain's Rolls*, Vol. I., pp. 80-84. *Acts Parl. Scot.*, Vol. I., pp. 5, 7, 70, 369. Robertson's *Scotland*, Vol. I., pp. 154-158; Vol. II., pp. 128, 134, 135.

⁸⁸ *Acts Parl. Scot.*, Vol. I., pp. 8, 68, and App. to Preface, p. 80. Innes's *Legal Antiquities*, pp. 80-84. Many particulars are collected in Robertson's *Scotland under her Early Kings*, Vol. I., pp. 185, 237, 290, 291; Vol. II., App. pp. 444, 484.

Though the barbarous forest laws of the Normans were not adopted in Scotland, Alexander III. had a royal park for deer at Stirling. When the king moved from place to place according to custom, he was attended by his hawks and hounds.³⁹

The feudal nobles aped the royal state, and encircled themselves with a host of officers and vassals. They had their own sheriffs, chamberlains, constables, and so on. In fact, they were a sort of little despots within their own territories. They had many ways of attaching their vassals to their interests and when the pressure of changing circumstances began to ~~se~~ this, the nobles took other means to attain their ends. They too, had their forests and parks for hunting. The records of the times show that the hart, hind, roe, deer, and boar were the game most valued. Nothing exhibits the changes which have taken place better than the anxiety manifested to encourage the rearing of hawks in those days. The trees on which they built their nests were held sacred;⁴¹ but now the hawks are hardly allowed a resting-place for their claws—few of them escape the gamekeeper's rifle.

One marked characteristic of feudalism was the multiplication of hereditary offices. In Scotland this rose to excess. Hereditary officers of state, constables, marshals, and so forth; hereditary sheriffs, baillics, and stewards; hereditary keepers of castles, forests, parks, and the like; hereditary functionaries in every hand, from the throne to the common occupations of the brewhouse and the smithy.⁴² This may have been natural in the day, but it fixed its roots deeply into the soil of Scotland, and the difficulty was to get out of the entangling mesh of the system after it became obstructive of order and civilisation.

³⁹ Chamberlain's *Rolls*, Vol. I., pp. 12, 13, 14, 29, 38, 61. Tytler's *History of Scotland*, Vol. II., pp. 403, 404.

⁴⁰ Tytler's *History of Scotland*, Vol. II., pp. 245-251.

⁴¹ Innes's *Scotland in the Middle Ages*, pp. 129-131.

⁴² *Spalding Club Miscellany*, Vol. III., pp. 291, 292; and Preface to Burton's *History of Scotland*, Vol. II., pp. 129, 130.

The early stages of feudalism were much the same everywhere: a small local despotism established itself before a central one was possible. The powers conferred by charter on the nobles, they again repeated on a smaller scale among their friends and dependants. Afterwards, it suited the policy of the kings to treat the lordly powers as abuses, and they then attempted to limit and abolish them when striving to strengthen the central authority. But the kings during the 12th and 13th centuries were so liberal to their new nobles that their successors on the throne of Scotland were rarely able afterwards to control them. The history of France exemplifies the working of these tendencies in all its forms, and unhappily the spirit of that great nation was long in coming to the requisite coolness to cast off the despotic sway; while England, after a course of desperate internal struggles, boldly established a constitutional government, little centralised; and, with all its short-comings, the best in the world.

The forms of trial and modes of punishment are at all times an interesting test of the degree of civilisation. Something was already said about the customs of the people, but little could be found on matters of law and punishments till the 12th and 13th centuries, when the light of record begins and gradually becomes clearer as we proceed onward.

It is remarkable that the very oldest vestiges of our statute law contain references to a still earlier common law—"The assize of the country," "the assize of the land," "as law will and custom is," "according to the assize of the land".⁴³ In one of the statutes of David I., there is a direct reference to a law of Malcolm Canmore, "as it was established in his father's days".⁴⁴ These phrases occur in the laws attributed to David I., and can only mean that the matters were to be settled according to the local customs of the people. This is a good illustration

⁴³ *Acts Parl. Scot.*, Vol. I., pp. 7, 8, 9, 11-13; and *Laws of William*, p. 50.

⁴⁴ *Ibid.*, pp. 11, 12.

of the principle stated in the Introduction—that the first written law of a nation arose out of their customary and local usages.⁴⁵ It is far more potent and formative than the rant about chivalry or any other far-fetched and shadowy influence, which the body of the people never knew, saw, felt, nor loved.

The oldest laws of Scotland are full of regulations concerning the punishment of murder and theft. The thief caught with the fang in his hand was tried without delay ; it was only when the matter was not so plain that the peculiarities of the early laws appear. In the reign of David I., a man accused of theft might clear himself in two ways—by battle, or by the purgation of twelve leal men.⁴⁶ There was nothing said on either side by witnesses cognisant of the facts, for evidence of that kind was not as yet sought. When the accused denied, he was bound to find twelve compurgators, men of the neighbourhood who knew the character of the parties, to swear for him that they believed him innocent. The number of the compurgators, however, varied from one to thirty, according to the rank of the parties and the nature of the crime. Two leal men were deemed sufficient to show that a man had violated the king's peace, and punishment followed accordingly ; but twenty-four men were required to acquit a man for an offence towards the king.⁴⁷ In the reign of William the Lion, when a habit-and-repute thief was pursued by the suit of one or more baronies and could find no bail, he was forthwith hanged without more ado.⁴⁸

When there was no evidence by witnesses, if the accused failed to bring the requisite number of compurgators, his last resource was to appeal, in the speech of the times, to the wage of battle. There were solemn and minute rules enacted for it procedure. During the combat the strictest silence was pre

⁴⁵ Page 132.

⁴⁶ *Acts Parl. Scot.*, Vol. I., pp. 5, 6, 7.

⁴⁷ *Ibid.*, pp. 7, 8.

⁴⁸ *Ibid.*, pp. 55, 56.

1. The judges of Galloway decreed that any one speaking a place where battle was waged after silence was proclaimed, should forfeit ten cows to the king; and if any one armed with his hand, or even made a signal, he should be at the king's power, life and limb.⁴⁹

During this period various restrictions were introduced in application of the trial by battle. Churchmen were exempted, which was not always the case; men above sixty declined it; and widows who could not fight were to be protected in their rights.⁵⁰ Burgesses had privileges connected with it. The citizens of the king's borough might claim combat against those depending upon subjects, but could not in turn be obliged to grant it. The burgess might also decline the challenge of an upland man or a churl.⁵¹ The thief's lord might challenge the accuser of his own rank if he chose; but the poor could only challenge his fellow. The barons, knights, and freeholders could also fight by proxy—appoint a champion to fight for them; all those of low kin, that is, the body of the people, were bound to fight in person.⁵² This completely distinguished the new nobles and chivalrous knights of the bravery so ascribed to them; they, forsooth, were brave only when armed in a coat of iron. Such were the braggart "men of the sword, above all servile and mechanical employment". Unfortunately for Scotland, few of them ever did much on her side in character of warriors.

After the order for trial by battle, or by hot iron, or by ordeal was given, it was no longer open to the parties to compromise the case for a penalty; and any lord promoting such a thing forfeited his court.⁵³ There is evidence enough of the

⁴⁹ *Acts Parl. Scot.*, p. 56.

⁵⁰ *Ibid.*, pp. 69, 70.

⁵¹ *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 8, 11, 163.

⁵² *Acts Parl. Scot.*, Vol. I., pp. 70, 71.

⁵³ *Ibid.*, pp. 49, 55.

ordeals of hot iron and water in Scotland, but we have no detailed account of the process in any of our early records.⁵⁴

As already mentioned, among the many privileges granted to the chief monasteries was this right to try offenders by iron and water; but, as might be supposed, it was open to endless abuses, and David I. in one instance provided that his own judge should always be present at the court of the Abbot of Dunfermline, to see if justice was properly administered.⁵⁵ An act of William the Lion, 1180, runs—"That no baron have leave to hold court of life and limb, as of judgment by battle, or water, or hot iron, unless the king's sheriff or his sergeant be thereat to see if justice be truly kept as it ought to be".⁵⁶ In the same reign it was enacted, that when any one was accused of theft by the magistrate and three leal men, he should underlie the law of water; if, in addition to these accusers, three witnesses knowing the facts were found, he was not to be put through the ordeals either of water or hot iron, but hastily to be hanged.⁵⁷

Towards the end of this period, it seems ordeals were falling into disrepute, but we cannot tell when they were finally abolished, nor when jury trial was introduced. One form of ordeal, the battle—later the judicial combat, afterwards called the duel—lingered on among a set of madcaps until recent times. The people of Galloway retained the old modes of ordeals long after the rest of the kingdom had discarded them. In the reign of Robert Bruce they still continued to be governed by their own laws, and had not acquired nor apparently desired trial by jury. Even down to 1385, Douglas, lord of Galloway, while undertaking in parliament to promote the execution of justice within

⁵⁴ The best account of the formal process of trial by the ordeals of iron and water I have met with, is in Pike's work *The History of Crime in England*, Vol. I., pp. 207, 208. There is a mass of information about it in Pitcairn's *Criminal Trials*.

⁵⁵ *Register of Dunfermline*, p. 12.

⁵⁶ *Acts Parl. Scot.*, Vol. I., p. 53.

⁵⁷ *Ibid.*, p. 49.

territory, protested for the liberty of the law of Galloway in points.⁵⁸

In Scotland, civil cases were tried by jury earlier than criminal ones. But we search in vain for a case of jury trial in the modern sense, that is, a judge who finds the law, and a number of citizens who find the fact; it was long ere this point was reached. We can see the rude elements out of which jury trial gradually arose and assumed form, and came into full operation. There are both civil and criminal cases reported as tried by jury during the 13th century in Scotland, but then the jurymen were also witnesses in these cases; and in England about the same time this prevailed. The later history of jury trial mainly consists of the steps by which the jurors were changed from witnesses into judges of the facts stated by others.⁵⁹

Our old laws disclose a system of compensation for crime, by payment to the injured party. The scale of fines was regulated according to the rank of the offender and the greatness of his offence. A few instances will show the operation of this curious and widely-prevalent mode of satisfying justice. The fine for the slaughter of the king of Scots was one thousand cows, or three thousand shillings; for the king's son, one hundred and fifty cows, or four hundred and fifty shillings. Thus it appears the money-value of a cow was then three shillings. The fine for slaying an earl of Scotland was the same as for the king's son; and for an earl's son, one hundred cows. For killing a thane, one hundred cows; for a thane's son, sixty-six cows and two-thirds of a cow; for the nephew of a thane, forty-four cows and twenty-one pennies and two parts of a penny. All lower in rank are called carls, rustics, and villains; the fine for slaying a carl is sixteen cows, but there is

⁵⁸ *Acts Parl. Scot.*, pp. 70, 73, 122, 187, 383. Innes's *Scotland in the Middle Ages*, p. 193.

⁵⁹ Innes's *Legal Antiquities*, pp. 213, 228. Pike's *History of Crime in England*, Vol. I. Freeman's *History of the Norman Conquest*, Vol. V., p. 454.

no fine specified for any other injury that might happen to be inflicted on this class. The lives of the unmarried women are estimated at the same value as their brothers ; but the lives of married ones at a third less than those of their husbands.⁶⁰

The mulcts for smaller crimes and assaults are stated in the fragments of the laws of the Britons and Scots with equal minuteness. If any one drew blood from the head of the king's son, or of an earl, the fine was nine cows ; in the case of an earl's son, or a thane, six cows ; of a thane's son, three cows ; and of a carl, one cow. The women are again placed on an equality with their brothers. The fine for a blow without drawing blood was ten pennies.⁶¹ As a matter of course, compensation was taken for theft and other crimes as well as for murder and personal assaults.⁶²

One of the old fragments of our law gives this exposition of the system :—" All laws are either man's laws or God's laws. By the law of God a head for a head, a hand for a hand, an eye for an eye, a foot for a foot. By the law of man, for the life of a man, one hundred and eighty cows ; for a foot, a mark ; for a hand, as much ; for an eye, half a mark ; for an eir, as much ; for a tooth, twelve pennies ; for each inch of the breadth of the wound, twelve pennies ; for a stroke under the eir, sixteen pennies ; for a stroke with a staff, eight pennies, and if he fall, sixteen pennies ; for a wound in the face he shall give an image of gold," and more to the same effect.⁶³

The laws specially relating to the boroughs will be handled shortly ; but before leaving the vestiges of our early rude customary law, a few remarks occur. The idea of law as yet was only dimly conceived and vaguely comprehended. Public

⁶⁰ *Acts Parl. Scot.*, Vol. I., p. 299 ; also *Laws of David I.*, pp. 6-8.

⁶¹ *Ibid.*, pp. 300, 301.

⁶² *Ibid.*, pp. 58, 72.

⁶³ *Ibid.*, pp. 375, 376. On this matter there is a mass of information in ~~the~~ *Ancient Laws of Ireland*, and the *Early Laws of the Saxons*, published by the Record Commission.

justice was hardly at all separated in the minds of the people from the passion and feeling of revenge. It looks strange that the great crime of murder could be commuted by a fine, but in an age of fierce strife and violence, it may have been the most effective remedy available. To take a substantial part of the means of living from the family or kin of the wrong-doer was probably a more palpable punishment than to take the wrong-doer's life. It seems, however, to have rested with the family of the murdered man to abstain from prosecuting to the utmost when their feelings of rage and revenge could be appeased by a fine. There was indeed another penalty due to the king or the lord for the shedding of blood, if their peace was violated, over and above the compensation paid to the kin of the slaughtered man.⁶⁴

The country for a limited distance around the king's court and person and the highways, was in the king's peace, under his immediate protection, and a breach of peace there was severely punished. The king also extended his peace to pilgrims during their journeys to and from the tombs of the saints.⁶⁵

Amid all the rudeness of which we have been speaking, here and there we meet promise of improvement, and feelings of humanity. The poor and the weak were put under the king's protection; in these old laws, the widow and the fatherless were not forgotten. It is pretty clear that women in Scotland occupied a comparatively favourable position.⁶⁶ If any misdoer doomed to the gallows escaped with his life after the first attempt to hang him, henceforth he was free from punishment for his past offence; but those who bungled the affair were subjected to a heavy fine. Concerning the stealing of cattle

⁶⁴ *Acts Parl. Scot.*, Vol. I., pp. 8, 53, 300.

⁶⁵ *Ibid.*, pp. 8, 11, 12, 29, 36. Robertson's *Scotland under her Early Kings*, Vol. I., p. 258.

⁶⁶ *Acts Parl. Scot.*, Vol. I., pp. 12, 71, 72, 301. *Ancient Laws and Customs of the Boroughs of Scotland*, p. 4, 53.

and sheep, the chief crimes of the times, no one was to be hanged merely for taking what he could carry on his back unless it amounted to the value of two sheep. Thus a distinction was made between the masterful riever, who drove off before him the cattle and sheep, and the petty or needy thief, who simply took what he could carry.⁶⁷

In an age of comparative darkness, when moral power was weak, when the passions raged almost unrestrained, and when furious revenge pursued its victims, it was a humane measure to make the church a place of refuge for those running to its protection. By the canon law all churches were considered to afford protection to the criminal for a limited time, to allow the first burst of passion to assuage before the injured party could claim redress. Accordingly, in the early statutes of the Scotch Church, it was enacted that every consecrated church with a right of baptism and burial, should have the privilege of sanctuary, extending for thirty paces round the graveyard.⁶⁸ In early times the boundaries of sanctuaries were sometimes marked off by stone crosses, as at the monastery of Dull, in Athol.⁶⁹ But the greater sanctity of some places of worship was owing to the veneration for their patron saints, and the importance attached to the relics preserved in them; yet the church and even the holy altar itself was not always proof against violence.⁷⁰

The church of Wedale now called Stow was one of the most famous of our sanctuaries. About the year 1166, William the Lion issued a precept to the ministers of the church of Wedale, informing them not to detain the men of the Abbot of Kelso who had taken refuge there, nor their goods, as the abbot was willing to give them full justice.⁷¹ David I. granted the

⁶⁷ *Acts Parl. Scot.*, Vol. I., pp. 4, 53.

⁶⁸ *Statuta Eccles. Scot.*, Vol. II., pp. 18, 19, 37, 46. *Sculptured Stones Scotland*, Vol. II., App. to Pref., p. 66.

⁶⁹ *Sculptured Stones of Scotland*, Vol. II., p. 11, notices of the Plates.

⁷⁰ *Ibid.*, App. to Pref., p. 67. *Statuta Eccles. Scot.*, Vol. I., Pref., p. 64.

⁷¹ *Register of Kelso*, Vol. I., pp. 22, 23, Vol. II., p. 317.

church of Lesmahago to the monastery of Kelso, and confirmed its privilege of sanctuary—"Whoso for escaping peril of life and limb flees to this church, or comes within the four crosses that stand around it, out of reverence to God and St. Machutus [grant him my firm peace".⁷² Tynningham in Lothian, and Inverleithan in Tweeddale, were also noted sanctuaries.⁷³

The law of sanctuary in Scotland was defined and regulated in the reign of Alexander II. Pretty careful rules were laid down to guard against the danger of encouraging crime by offering an easy immunity to fugitive vagabonds, thieves, and homicides.⁷⁴

In the Introduction, reference was frequently made to the places where the inhabitants collected together for safety, it was also mentioned that at the end of the 11th century, there were small towns and villages which carried on any little trade the country as yet had, amidst much lawlessness and other drawbacks. The inhabitants of these scattered villages may in one sense be called the vassals and retainers of the ranks above them, of the local chief or the king; but it does not follow that the town people had no rights of their own, before the era of charters. As there were rights of property in land long before written title deeds were used, so the dwellers in towns here and everywhere, had unquestionably their recognised customary rights, ages before the era of granting charters. To think otherwise would be as near the truth as to suppose that an act of parliament at the present time could of itself create a town independent of prior conditions and existing circumstances. Accordingly in all the most ancient charters of the royal boroughs, the previous existence of a community and social body is always implied.

In whatever relation the trading class of the people stood

⁷² *Register of Kelso*, Vol. I., pp. 9, 10.

⁷³ *Ibid.*, Vol. I., p. 22. *Statuta Eccles. Scot.*, Vol. II., pp. 261, 262.

⁷⁴ *Acts Parl. Scot.*, Vol. I., p. 71.

towards the king and the local chief, they implanted an element of freedom and order amid the surrounding ruggedness. Their influence continued constantly though slowly to increase, until finally they were formed into chartered corporations with exclusive privileges and rights. Berwick, Edinburgh, Stirling, Perth, and Roxburgh are among the oldest of our royal boroughs; but the greater number of the royal boroughs in the kingdom were formed before the end of the thirteenth century.⁷⁵

The charters of our early kings—Alexander I., most of those of David I. and his grandson Malcolm are without dates. The earliest dates on public documents in Scotland simply refer to the reign of the king, the birth of his son, or some other contemporary event which appeared important to the writer. It was long after the introduction of charters ere it became common to mark the year of Christ in Scotland. Seals appeared towards the end of the 11th century, and they were common among the king's officers, the nobility, and the clergy in the 13th century.⁷⁶

Towns sometimes owed their incorporation to the heads of the religious houses, and indirectly to the higher nobles, who in everything aped royalty, and strove to outshine their king by granting exclusive rights to the villagers on their estates. Dunbar once belonged to the earl of that name, Wick to the Earl of Caithness, and Inverary and Campbelton to the family of Argyle. The crown attempted to assert its prerogative by extinguishing such boroughs, but it rarely succeeded, it often converted them into royal ones. The Episcopal Sees and some of the monasteries also erected boroughs; thus St. Andrew, Glasgow, Brechin, Dunfermline, and others arose.⁷⁷

⁷⁵ *Report of Municipal Corporations of Scotland*, 1835, pp. 9, 10. *Acts of Parliament of Scotland*, Pref., pp. 32-36, 38. App. to Pref., pp. 76-79. *Ancient Laws and Customs of the Boroughs of Scotland*, Pref., pp. 19-21, 35-37.

⁷⁶ Innes's *Legal Antiquities*, pp. 30, 31.

⁷⁷ *Report on Municipal Corporations of Scotland*, pp. 19, 20. *Burton's History of Scotland*, Vol. II., pp. 168, 169.

Some of our historians say that the royal boroughs were at first the exclusive property of the king, either held in his own hands or let out to farm. Chambers maintains this;⁷⁸ but, notwithstanding his enormous learning, he is wrong here. This view assumes a command of power which the kings of Scotland never possessed, except in the legal fictions and the wild imaginations of historians. It is true the burgesses paid rents to the king, in consideration for his protection and their peculiar rights, which is a totally different thing from constituting the borough his property. As little do the grants of spots of land in the boroughs to the bishops and abbots by the kings, prove that the whole was the exclusive property of the crown. The towns were not, as some suppose, the sudden creation of royal prerogative, but the slow growth of circumstances and position. The royal charter simply recognised what already existed. The crown cast around them the special protection of the law, with a distinct view to its own interest; but it never created, or, in fact, possessed such communities.⁷⁹ To create artificial societies, of the kind supposed, would require a central command of legal machinery and power, which most assuredly never existed in Scotland.

It appears there was a league among the boroughs north of the Grampians in the reign of David I.; this is disclosed by a charter of William the Lion. It is very brief:—"William, by the grace of God, king of Scots, to all good men of this whole land, greeting: Be it known that I have conceded, and by this charter, confirm to my burgesses of Aberdeen, and all my burgesses of Moray, and all my burgesses dwelling on the north part of the Month, their free anse, to be held where they choose, and when they choose, as freely as their ancestors had their anse in the time of my grandfather, King David. Wherefore I firmly prohibit any from vexing or disturbing them while

⁷⁸ Chambers's *Caledonia*, Vol. I., pp. 778-780.

⁷⁹ *Report Municipal Corpor. Scot.*, pp. 11, 12. Burton's *History of Scotland*, Vol. II., pp. 171, 172.

holding the same, under pain of my full forfeiture."⁸⁰ This shows that the town communities in the north had formed themselves into some kind of federal association as early as the middle of the 12th century. The anse meant a privilege of trade and association. To what importance this trading association of the north attained, cannot now be told; it did not survive the struggles of the war of independence, but several boroughs arose out of its elements.

In the south of the kingdom, it is certain the borough communities had reached the stage for combined action early in the 12th century. They held meetings under the presidency of the king's chamberlain. Their union consisted of the towns of Berwick, Roxburgh, Edinburgh, and Stirling, and was called the Court of the Four Boroughs. The functions of this body, like all early assemblies, embraced a commingling of the judicial and the legislative, occasionally extending its operation beyond municipal organisation, and establishing rules on matters of private right and obligation.⁸¹

From this court or parliament of the four boroughs, it is inferred the code called The Laws of the Boroughs of Scotland emanated. It is the earliest collection of Scotch laws of which we have any record. The code was sanctioned by the government in the reign of David I. Many of the charters of the royal boroughs contain internal evidence of being drawn from it. The borough laws have often been attributed to the wisdom of David I., but they probably embodied the experience of several generations before his time, and additions were made to them after his day. Of course, the regulations and enactments of the code are not all peculiar to Scotland; part of them are the results of Saxon customary usage. But, on the whole, the Borough Laws of Scotland are the most compact and complete of all the remaining fragments of our early legislation. Their

⁸⁰ *Acts Parl. Scot.*, Vol. I., Appendix to Preface, p. 77.

⁸¹ *Ibid.*, pp. 21, 149; and Preface, pp. 6, 7. *Ancient Laws and Customs of the Boroughs of Scotland, and Report on Municipal Corporations of Scotland*, p. 15.

test editor declares that no such ancient and well authenticated code of borough laws exists in the world.⁸²

The union of the four boroughs gradually extended, and in 1405, delegates from all the royal boroughs on the south side of the river Spey were ordered to meet together once a year, to meet and advise upon their common welfare.⁸³ And in 1454, the place of meeting was fixed at Edinburgh by royal charters.⁸⁴

Under the name of the Convention of Royal Boroughs, it continued to settle questions between the different boroughs, and matters relating to their internal constitution, down to 1833. Through every vicissitude, for 700 years, its shadow still remains, though its powers are departed, when the representatives of the Royal Boroughs meet at Edinburgh in April.

Regarding the election of the magistrates in early times there has been critical contention. Some persons attempt to put a refined notion into the words of the enactment, which it was never intended to bear. "On the first meeting of court after the feast of St. Michael, the aldermen and the bailies shall be chosen, through the council of the good men of the town, who ought to be leal and of good fame."⁸⁵ The plain meaning here is, the leal and good men of the town were the whole of the burgesses, all those who had property within the borough. The newly-elected magistrates and bailies swore fealty to the king and to the burgesses to keep the customs of the town:—"That they should not punish any man or woman but through the ordinary council and doom of the good men of the town. That neither for fear, nor for love, nor for hatred, nor for kinship, nor for loss of their silver, should they spear to do right to all men."⁸⁶

⁸² *Ancient Laws and Customs of the Boroughs of Scotland*, Preface, p. 21.

⁸³ *Ibid.*, p. 157. "The towns of England, neither by themselves nor in conjunction with the shires, ever attempted before the 17th century to act alone in convention like the Scotch boroughs, or in confederation like the German League." (Stubbs's *Const. Hist. Eng.*, Vol. II., p. 220.)

⁸⁴ Innes's *Legal Antiquities*, p. 114.

⁸⁵ *Ancient Laws and Customs of the Boroughs of Scotland*, p. 34.

⁸⁶ *Ibid.*, pp. 34, 35.

From a very early period it seems there were distinctions among the burgesses themselves. The real relation of the merchant guild to the general body of the burgesses in early times it would be tedious, if not impossible, now to trace. Whether all the burgesses were entitled to a place in the guild it is hard to determine, though it is clear all the guild brethren were also burgesses.⁸⁷ It is likely the distinction between the

⁸⁷ At this period the only available information touching the relation of the guild class to the body of the burgesses is mainly found in the statutes of the guild, a few clauses of charters, and one or two early Acts of Parliament. A statute of William the Lion gives a general liberty to buy and sell to the merchants of the realm, that is, the merchant guild shall have a complete monopoly of buying and selling within the limits of the borough. See *Ancient Laws and Customs of the Boroughs of Scotland*, p. 60.

The short code entitled the statutes of the guild was enacted at Berwick in the middle of the 13th century. The headings of the statutes amount to fifty-one; a few are of later date, but all within the 13th century. They are published in the first volume of the *Scots' Acts of Parliament*, and in the *Laws and Customs of the Boroughs of Scotland*, published under the Borough Record Society, 1868.

The preamble to the statutes of the guild at once suppresses all other trading associations. The first head enacts that all particular guilds hitherto used in any borough shall be done away with, and their goods and chattels, reasonably as by law ought, shall be given to this guild: except there be a union of all the members to a head in all good deeds, they shall come together in a fellowship secure and true friendship without deceit. This body of statutes was soon adopted among the boroughs of Scotland. Here we see that the formation of other trading fraternities was emphatically deprecated and condemned. This spirit certainly continued to animate the merchant guilds throughout the kingdom down to the present century. *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 64, 65.

Another head ordains that the payment for entrants into the merchant guild shall be forty shillings, unless they be children of guild brethren. No one was allowed to deal in hides, wool, wool skins, nor cut cloth within the borough unless a guild brother or a stranger merchant, that is to say, a guild brother of another borough. We have perhaps said enough to show that the guild was a rather close-bound body. *Ibid.*, pp. 69, 74.

But it is necessary to state, as far as known, why it was, and how it was that certain classes of the citizens were debarred from entering into commerce. The statutes of the guild ordain that "no butcher, as long as he chooses to practise his trade, buy wool or hides, unless he will abjure his axe and swear that he will not lay his hand upon beasts". In the laws of the boroughs, a still earlier code, it is laid down that no dyer, flesher, shoemaker, or fisherman can be allowed into the guild till he swear not to exercise his craft with his own hand, but only with servants under him. It is pretty evident there was a strong element of caste involved here. *Ibid.*, pp. 78, 46.

skilled workman and the man of commerce was for long only dimly drawn, though the extension of mechanical skill, and the consequent higher organisation, always at length resulting in a more minute division of labour, finally caused the distinction to become more sharply marked. There are, however, hardly any materials for a sketch of the rise and position of the various fraternities of craftsmen in the boroughs of Scotland before the 15th and 16th centuries.

But the subject is connected with points of political economy and the relation of labour to money, which are important, socially and morally, on the wellbeing of the whole nation. It is only by an exhaustive historical method of exhibiting the operation of cause and effect, through a long course of ages, that we can ever hope to permanently ameliorate society and secure a higher degree of happiness to humanity.

It has been said there is no trace of thralldom within the Scotch boroughs;⁸⁸ but I am not sure of this. I suspect the matter has been slurred over and thrust out of sight. Unless there were thralls in the boroughs, it is very hard to see the sense of the following law :—"If any kemester or wool-comber leaves the borough to dwell with upland men, while having sufficient work to occupy him within the borough, they ought to be taken and imprisoned."⁸⁹ If it was convenient to ignore this law there is another one, about which an enormous mass of sheer nonsense has been written. "If any man's thrall, baron's or knight's, comes to a borough and buys a burgage, and dwells in his burgage a twelfthmonth and a day, without challenge of his lord or his bailie, he shall be for evermore free as a burgess within that king's borough, and enjoy the freedom of that borough."⁹⁰ So we see, before a serf could become free, he

⁸⁸ Burton's *History of Scotland*, Vol. II., p. 176.

⁸⁹ *Acts Parl. Scot.*, Vol. I., p. 41.

⁹⁰ *Ibid.*, p. 23. *Ancient Laws and Customs of the Boroughs of Scotland* p. 9. Dr. Burton has misrepresented this law in two different places. "The most significant, as it must have been the most effective, of the emancipation laws was common to England and Scotland—that if a bondman continued a year and a day

required to purchase a house—a burgage tenement in the borough, and live there. But in those days what had a serf to purchase a house with? How, even in the present day, can a common labourer purchase a house in a town? It cannot, therefore, according to all known circumstances, be far from the truth to conclude that very few of the serfs of the 13th century could have bought a home in a borough, and complied with this condition of obtaining their freedom. On the other hand, if the law was mainly intended to draw a distinction between the servile class and the burgesses, we can easily understand its meaning and effect.

If the form of the burgh communities appeared to be democratic from the first, the burgesses, and especially the guild, assumed some of the attributes of a caste. The guild brethren were extremely puffed up with aristocratic leanings and notions. They carried this to such a height that every member was required to have a fine horse in his stable.⁹¹ Nevertheless, they were the only class among the people possessing wealth, along with some intelligence and freedom, and a counter-check to an arrogant landed aristocracy. The rise and progress of the towns was long conducive to the national civilisation, though they were all founded on the narrow principle of exclusion and strict monopoly. The

within a free burgh or municipality, no lord could reclaim him." Vol. II., pp. 152, 153. This slips out the main condition. Again, when speaking about the election of the magistrates, with a perversion very remarkable for a legal man, he says:—"The rank of a burgess was not difficult of attainment, as we have seen in that law which conferred it on a fugitive serf from any of the feudal lordships who could hold on for a year and a day as an inhabitant of the borough." *Ibid.*, p. 176. Always keeping out of view the main condition and real difficulty. I am aware the law in the *Regiam Majestatem* does not state that the serf must buy a house, though it is implied. The law of the borough is, however, the oldest, and on this point must be held as the best authority.

⁹¹ "We ordain that every burgess, having in goods ten pounds, shall have in his stable a seemly horse, worth at least forty shillings. And if he be deprived of his horse by any chance, death, sale, gift, or in any other way, he shall, within forty days, provide another. If not, he shall be fined eight shillings to the guild." *Ancient Laws and Customs of the Boroughs of Scotland*, p. 73.

circumstances rendered this inevitable. Instead, blaming fault with them for not seeing far enough, or by the inexorable, it is well that they attempted what some degree, be effected. The evil tendency of a not felt until close guilds, amid the changed forms of a rapidly increasing population, began seriously to impede the trade and commerce of the kingdom by shackles and limitations and vexatious interference with the full freedom of action and enterprise. Then, how extremely difficult to get rid of a system in which the elements of interest and pride were so deeply rooted and had so long reigned.

A royal borough had a right to hold a market. The time of unusual freedom, only the outlaw, the traitor, malefactor could be arrested there. Runaway serfs, and smaller offenders of every description were at least they broke the peace of the market. Those who were tried by a temporary court, known by the name of mustyfeet, and according to the northern principle, by the community of the fair. The pedlars were the travelling pedlars, the original of the berdasher; and they and other extraneous traders from a stall could claim cut and lot, that is, share and a part of the market ground with the burgesses; thus, for the time being, they were placed on an equality.⁹² This feature accords with the origin of the markets.

As to boroughs, and towns holding from lords and barons, I have only alluded to, and a word of explanation may be given. A borough of regality, though holding of some lord as of higher rank than a borough of barony, which held from its local lord. From the first, the constitution of a borough was very much. In some the inhabitants had the right of

rel. Scot., Vol. I., pp. 21, 31, 34, 35, 38, and pp. 361, 362. *Ancient Customs of the Boroughs of Scotland*, pp. 3, 26, 32, 42, 43.

electing the magistrates and officers of the town; in other words, the overlord retained all such appointments in his own hands. Generally the noble superior of a borough of regality or barony took care to keep the control of the inhabitants within his own grasp. The chief privilege, of course, was the right of trade and manufacture within the town. Some lords had power to erect crafts, analogous to the royal prerogative. The church boroughs were similar in rank, and some, such as St. Andrews and Glasgow, are of high antiquity.⁹³

The early records of the Scottish mints are lost, and no direct information of our early coinage now remains, save what may be drawn from the coins themselves. The earliest coins are the silver pennies of Alexander I.⁹⁴ There was no gold coinage during this period. From the reign of Alexander I. onward to the War of Independence, there was a continuous coinage of silver pennies, and through the 12th and 13th centuries the standard of fineness was at least equal to the current standard of English money.⁹⁵

Throughout this period the money was coined in different towns, Roxburgh, Berwick, Edinburgh, Perth, Inverness, Dunbar, Aberdeen, and other places. The name of the moneyer, as well as the name of the mint, appeared on the coins.⁹⁶ The workmanship of these silver pennies is rude, but not much inferior to the English ones of the same age.

It was already mentioned, that gold and silver were scarce in Scotland, and plenty of iron, lead, and coal. It is very interesting to trace the beginning of the use of coal, but at this time there is hardly any information

⁹³ *Report on the Municipal Corporations of Scotland*, pp. 20, 97, 98.

⁹⁴ There are coins of an earlier date belonging to the Jarls of the Isles, but they are hardly money of Scotland.

⁹⁵ *Proceedings of the Society of Antiquaries of Scotland*, Vol. X., p. 225.

⁹⁶ *Ibid.*, Vol. IV. p. 68, *et seq.*; Vol. X., pp. 225, 229.

matters. The Abbey of Dunfermline had a special grant from David I., of the gold produced in the district of Fife. It is said this king had a silver mine in Cumberland, and that iron was wrought in the forests of Moray in the 13th century. As early as 1265 sea-coal is mentioned for the use of the Castle of Berwick.⁹⁷ Probably the monks of Newbottle were among the first workers of coal in Scotland, digging it from rude surface pits before mining was practised.⁹⁸ But, though coal is mentioned, it was little used, either in Scotland or England, for long after this period.

The weights and measures were various. The old Scotch pound consisted of fifteen ounces. A statute of David I. ordained that the Caithness pound should be the standard weight throughout the kingdom.⁹⁹ The inhabitants of the Orkney and Shetland Islands employed the Norwegian weights and measures till recently. Grain was measured by the chalder, which contained sixteen bolls, the boll four firlots or six bushels—this old firLOT was equal to a bushel and a half of English standard measure. A skep of meal appears early in the records of the monasteries, and contained twelve bolls. The lagen was an old measure of oil, ale, and wine, well-known among the religious houses of that age. Wool was sold by the sack of twenty-six stones; and hides by the last—twelve dozen.¹⁰⁰

From the charters of the boroughs and the custom duties, a pretty correct idea of the manufacture and trade of the kingdom can be drawn. There was a rough home-made cloth, manufactured from native wool, which afforded the apparel of the people. The crafts of weavers, fullers, and dyers, are early enumerated among the burgess class.¹⁰¹

⁹⁷ *Acts Parl. Scot.*, Vol. I., 45, 48. Innes's *Scotland in the Middle Ages*, p.

⁹⁸ *Chamberlain's Rolls*, Vol. I., p. 43.

⁹⁹ Innes's *Legal Antiquities*, p. 168.

¹⁰⁰ *Acts Parl. Scot.*, Vol. I., pp 12, 309.

¹⁰¹ *Ibid.*, p. 304. *Chamberlain's Rolls*, Vol. I., p. 9, 12, *et seq.* Chambers's *Calabria*, Vol. I., 812, 815.

¹⁰² *Acts Parl. Scot.*, Vol. I., pp. 24, 39, 93, 317 and Pref., pp. 76, 79.

Fish was a staple article of commerce as far back as our records reach. The herring fishing was extensively engaged in during the 12th and succeeding centuries. There was custom payable in the export of herrings, salmon, keling, ling, haddock, whiting, cod, and oyster.¹⁰² In the reign of William the Lion, the Abbot of Holyrood sent his own men to fish for him off the Isle of May. The charters and the laws of the times alike show that the fishing formed an important part of the economy of the kingdom.¹⁰³

The rich religious houses entered freely into trade. The Abbot of Scone had a ship of his own, and Alexander I. granted to this monastery the custom of all the ships landing there. It had some foreign trade at an early period, but it was soon outstripped by the borough of Perth, which obtained the exclusive right of trading over the whole of Perthshire. Perth, one of the oldest towns of the kingdom, Stirling, St. Andrew, and Aberdeen had commercial relations with the Continent. Berwick, however, was the chief mart for traffic in Scotland throughout those times.¹⁰⁴

The exports mostly consisted of the raw products of the country. The furs entered for duty were fox, cat, marten, beaver, sable, and otter; deer skins, wool skins, hog skins, lamb skins, goat, and hare skins; oxen, cows, and horse hides. Salt, corn, meal, and malt, are among the articles taxed for export. Among the imports we find lead, iron, pots, pans, locks, knives and other hardware; wax, pepper, alum, ginger, almonds, rice, figs, raisins, and large quantities of wine.¹⁰⁵

The inhabitants of Scotland, as we have seen, had early turned attention to the arts of shipbuilding and seamanship. The herring fishing trade must have employed a number of

¹⁰² *Acts Parl. Scot.*, pp. 304, 305.

¹⁰³ *Ibid.*, pp. 35, 52, 318. *Chamberlain's Rolls*, Vol. I., pp. 8, 33, 61. Innes's *Scotland in the Middle Ages*, p. 230.

¹⁰⁴ *Acts Parl. Scot.*, Vol. I., p. 76. *Pref. Book of Scone*, pp. 3, 57. Tytler's *History of Scotland*, Vol. II., pp. 302-304.

¹⁰⁵ *Acts Parl. Scot.*, Vol. I., pp. 303, 304, 306, 308.

small craft. It is said a large ship was built at Inverness about the middle of the 13th century. Alexander III. had a number of ships which were built in the port of Ayr, and two hundred oars were made for them.¹⁰⁶

Shortly before the outbreak of the long war, the merchants of Berwick were numerous and enterprising. This comes out in the letters of safe-conduct granted to them by the King of England, to pass and repass through his dominions and by the coasts of England, in pursuit of their commercial affairs.¹⁰⁷ A burgess of Perth also got a passport to trade into England or by the coasts of that kingdom.¹⁰⁸ This friendly state of relations was, unhappily, by the current of events, suddenly changed, and we then hear of the arrest of ships belonging to the merchants of Berwick by the English authorities, and the remonstrances of the traders.¹⁰⁹

The Count of Flanders, 1293, granted letters of protection to the people of Scotland to trade in that country, frankly and freely, upon the condition of their rendering and paying the usual customs and duties of the country of Flanders.¹¹⁰

¹⁰⁶ Chamberlain's *Rolls*, Vol. I., p. 10. Robertson's *History of Scotland under her Early Kings*, Vol II., p. 173.

¹⁰⁷ *Historical Documents of Scotland*, Vol. I., pp. 216, 217, 218, 219, 412.

¹⁰⁸ *Ibid.*, pp. 220, 221.

¹⁰⁹ *Ibid.*, pp. 423, 424, 425, 426.

¹¹⁰ *Ibid.*, pp. 399-401. Documents of a peaceful description are rare, and on that account, interesting, the main points of this one are as follows :—" Be it known to all that we, of our own good will, and for our own pleasure, by the advice of the good men and wise people, grant and promise to all those persons of the realm of Scotland, who are alive at present, and who shall be hereafter, that they may visit, and come to, tarry in, and return from, our country of Flanders, frankly and freely, upon payment and rendering the rights, customs, and taxes of our country of Flanders ; and that we will not arrest, nor cause to be arrested, by ourselves or others, them or any of them, nor their goods of any description whatsoever, nor their households, for the debt, nor in consequence or through the doings of another person, in which they shall not be indebted, nor security, nor answerable ; unless it so be that the present king of Scotland, or those who shall be kings hereafter, or who have been previously, was or were bound or under security to us, or our heirs, or our people, in any matter, and have refused to satisfy us, our heirs, or our people therein ; then we and our heirs

A full account of church matters would be out of place in this work, and only the points more directly bearing on the state of the nation can be touched. As we have seen, the clergy and the monasteries had relapsed. Alexander I. attempted to restore and extend the church, but his brother David was more successful in this department. It was in David's reign that the Church of Scotland was brought into conformity with the rest of Christendom.¹¹¹

Whether St. David really effected all that has been ascribed to him may be fairly questioned.¹¹² That he founded, reformed, or renovated many of the bishoprics and monasteries is well known, that he endowed most of them very liberally is clear enough. He and his successors introduced, as far as they could, various orders of regular monks to supersede the Culdees. David was the first king to enforce the payment of tithes in Scotland. And the division of parishes, the rude framework of a parochial system, began to assume form in his reign. But the spirit of monasticism was rather strong for the development of the parochial organisation; accordingly, many churches were conferred as property upon the great monasteries and religious

shall be able to arrest, or cause to be arrested, the people of Scotland, their goods, and households, and to detain them until justice be done therein to us, our heirs, and our people.

"And in like manner, as is above said, we promise to observe this well and faithfully for ourselves and our heirs, Counts of Flanders, in regard to the most excellent Lord John, by the grace of God, king of Scotland, and to all his countrymen, in such manner and on such conditions as that the most high lord the king above named, shall observe such similar arrangements to my people of Flanders, and to my country. And this agreement shall continue from the Feast of St. Peter at the beginning of August next coming for three years."

¹¹¹ Grub's *Eccles. Hist. Scot.*, Vol. I., p. 261.

¹¹² "He was the founder of the law still more than of the church in Scotland. We cannot get beyond him. We owe to him all the civil institutions and structure of our present society." Innes's *Scotland in the Middle Ages*, p. 115. If this be true, David must have been, not only a great, but a wonderful man. It is, however, little short of idle trifling to write in this style.

ses.¹¹³ This from the outset maimed and cramped St. David's system as an instrument of religious and national reconstruction, and spread the seed which, after a while, again grew up a rank growth of abuse and corruption.

But we must look at the state of society to appreciate the force of the difficulties to be overcome. The nobles were rude and uncultivated, glorying in strife and bloodshed—"men of the sword"; while the people were groaning under them, and dwelling in ignorance and serfdom. In these circumstances, it is an open question if there was a better way of promoting civilisation than by throwing a large amount of property into the hands of the most peaceful class. Perhaps it was with a notion of this that David I. and the rulers of the period rewarded the interests of the monastery and the church, by bestowing wealth on them; but we should be careful not to attribute to the kings of those days high ideas of civilisation and progress which never entered into their minds.

The motives of David's action and policy can easily be understood in the circumstances around him. He knew well that his own position as king of Scotland was not very secure; and a better mode of strengthening the crown and ensuring the throne to his own family could have been tried than to enlist the support of the clergy and the church on his side. These things, which were before his eyes, most assuredly influenced David far more than the idea of civilisation and progress, which some writers of the 19th century attribute to him.

The kings and nobles bestowed land in every direction upon

¹¹³ *Statuta Eccles. Scot.*, Vol. II., pp. 21-23. Notes, pp. 264-266. Grub's *Ant. Hist. Scot.*, Vol. I., pp. 260, 261. "The term parish, parochiales—meaning any district, was at first appropriated to the diocese of a bishop. In 1719 it is used as synonymous with diocese, and applied to the bishopric of Glasgow. In some instances it would seem to mean the jurisdiction rather than the district." (*Orig. Paroch. Scot.*, Vol. I., p. 20, Preface.)

"The word shire so common in our old records is often equivalent to parish, but sometimes applied to other divisions of church territory, which cannot now be defined." (*Ibid.*, p. 20.)

their favourite monasteries and churches, with all the privileges usually attached to it.¹¹⁴ The effect of this for a few generations was probably favourable to the prosperity of the kingdom, for the monks were long the best and most enterprising agriculturists of the country.

The diocesan form of church government which hardly existed in Scotland at the end of the 11th century, was almost completed before the end of David's reign.¹¹⁵ He restored, reformed, or refounded the following abbeys and monasteries—Jedburgh, erected 1118, for regular monks; the Abbey of Holyrood, 1128; Cambuskenneth about the year 1146; Kelso, Newbottle, and Kinloss;¹¹⁶ besides confirming former grants and adding new endowments to other monasteries. Indeed all the religious houses then existing of which we have record exhibit King David as a liberal benefactor.

Though nunneries are mentioned early in Scotland, very little is known about them. So David is credited with restoring nuns in connection with his other reforms, it is said he founded a nunnery at Berwick-on-Tweed. This house was richly endowed and had several smaller dependencies.¹¹⁷

Mr. Innes says, "the principle of celibacy was effectively established among the Scotch clergy by David, along with his other Roman reforms";¹¹⁸ but this is hardly correct. It is exceedingly doubtful if ever celibacy was established in Scotland. At least there is evidence on all sides that it never was effectively practised among the clergy. What though monks and churchmen refrain from marriage if they continue to have children clandestinely, and this was what always happened, more or less, among the clergy of Scotland. Innes

¹¹⁴ See the chartularies of Kelso, Melrose, Paisley, Arbroath, Dunfermline, and others.

¹¹⁵ Grub's *Eccles. Hist. Scot.*, Vol. I., p. 276.

¹¹⁶ *Ibid.*, 272-275. *Acts Parl. Scot.*, Vol. I., pp. 45-47.

¹¹⁷ Grub's *Eccles. Hist. Scot.*, Vol. I., p. 279. *Chambers's Caledonia*, Vol. II., p. 341.

¹¹⁸ *Sketches of Early Scottish History*, p. 187.

himself notices several instances in the 13th century of clergymen who had children.¹¹⁹ A more appropriate opportunity will occur in the next volume for discussing this and the whole principle of monasticism.

Whatever book-learning existed was among the clergy, who of course had its control wholly in their own hands. The names of various grades of a scholastic character occur in record; scoloc was an old title for scholar in Scotland, but concerning their learning we have little information.¹²⁰

Some of the scolocs and clerks were bondmen, and begat sons and daughters; but this was not inconsistent with their clerical functions in Scotland. In 1251, Pope Innocent IV. pleaded for the rights which "married clerks were accustomed to enjoy in the kingdom of Scotland".¹²¹

¹¹⁹ *Register of Kelso*, Pref. and Vol. I., pp. 77, 131, 132, 136, 145, 222, 295. I will give two short passages from authorities on the subject—"One great evil, it will be seen, the incontinence of the priesthood, stands confessed, deplored, and condemned through all the three centuries of Scottish ecclesiastical legislation. Here, as elsewhere throughout Western Christendom, every code of Provincial, every code of Synodical Canons, calls, but calls in vain upon the clergy to separate themselves from their concubines as they are styled—their wives, rather, as we may charitably hope that in most cases they should have been, but for the law which forbade the churchman to marry." (*Statuta Eccles. Scot.*, Vol. I., p. 205, Pref.)

"The historian must not shrink from the truth, however repulsive. Celibacy, which was the vital energy of the clergy, was at the same time their fatal irremediable weakness. The universal voice, which arraigns the state of morals, as regards sexual intercourse among the clergy, is not that of their enemies only—it is their own. Century after century we have heard throughout our history the eternal protest of the severer churchmen, of Popes, of Legates, and of Councils." (*Ibid.*, quoted from Dean Milman's *History of Latin Christianity*, Book XIV., Ch. I., Vol. VI. 1855.)

Hereditary parsons—"Even in England at the close of the 12th century, it is recorded that a parish church in Norfolk descended from father to son, from parson to parson without any presentation. It was still worse in Scotland, where in the diocese of Glasgow, in the same age, sons formally claimed their fathers' churches as of hereditary right, while the Pope condemned the abuse, yet empowered the bishop, by ignoring its existence, to sanction or suffer its continuance." (*Statuta Eccles. Scot.*, Vol. I., p. 206. See also Vol. II., p. 277.)

¹²⁰ *Miscellany of the Spalding Club*, Vol. V., pp. 56, 57, Pref.

¹²¹ *Ibid.*, pp. 66, 67. *Acts Parl. Scot.*, Vol. I., p. 58.

The rector or master of schools first appears in record at the beginning of the 12th century in connection with the school of Abernethy. And in this and the next century there are many notices of the schools and schoolmasters of St. Andrew, Roxburgh, Berwick, Ayr, Perth, Stirling, Aberdeen, and other places.¹²² The chancellor of each diocese was entrusted with the general supervision of all the schools within his bounds.¹²³

Regarding the instruction imparted in these schools, there are no details. It would be interesting to know whether the native languages of the country were taught in them, but here we are quite in the dark. Probably most of the education consisted of the studies preparatory for the Church.

The southern and lowland people, doubtless, had songs and stories current among them, but nothing written in their dialect within Scotland has come down to our times. On the other hand, there is a Gaelic manuscript in the Advocates' Library at Edinburgh, dated 1238, which, among other things, contains a version of the poem of Darthula. The character is Irish, but from internal evidence, it seems to have been written in Cornwall.¹²⁴

Any other literature composed in Scotland during this age was written in Latin. Norman-French was not employed on this side of the Border, either for literary purposes or official acts and documents.¹²⁵ Of course, when Edward I. was going on with his scheme of conquest, many writs and papers emanated from him in Norman-French, relating to the affairs of Scotland, but they were written in London and England.

¹²² *Register of the Priory of St. Andrews*, pp. 115, 116, 316, 317, 318. *Register of Dunfermline*, pp. 56-58, 63, 66, 81, 418. *Register of Paisley*, 16, 173, 174, 229. *Spalding Club Miscellany*, Vol. V., pp. 69, 70, Pref.

¹²³ *Spalding Club Miscellany*, Vol. V., pp. 70, 71, 75-77, Pref.

¹²⁴ *The Dean of Lismore's Book*, pp. 87, 88 ; Introduction. Morley's *English Writers*, Vol. I., p. 182.

¹²⁵ Throughout the 12th, 13th, and 14th centuries, the acts of the Kin Council, and the laws of the kingdom, are recorded in Latin. The Chartularies of the monasteries and bishoprics are all engrossed in Latin.

In the last section of the Introduction, the fragments of Latin chronicles and Gaelic writings were noticed. As for the two centuries under review, I regret that the following paragraphs contain little information of a satisfactory character. From want of trustworthy evidence, it is deemed best to pass over some names hitherto set down as Scotsmen.

Robert, Bishop of St. Andrews, who died about 1159, is said to have written *Statuta Ecclesiastica*, but nothing of it is now known to exist.¹²⁶ Gualterus, the Prior of Kelso, wrote a tract entitled, *Pro Ecclesiæ Scoticæ Immunitate Contra Rogerum Eboracensem*; another, *Appellatio ad Curiam Romanam*. He also wrote *Epistolæ Diversos*.¹²⁷ None of these writings have come into my hands, and I am not aware that any of them now remain.

Adam, Abbot of Melrose, afterwards elected Bishop of Caithness, 1213, and slain by the inhabitants, 1222, wrote a history of Scotland in three books; *Epistolæ ad regem contra comitem de Cathness*; *Epistolæ ad Alexandrum Papam*, in one book; *Insularum Descriptiones*, in one book; and *Excerpta Bibliæ*, in one book. But none of these works are now known to exist.¹²⁸

William Kilconcath was Rector of the Friar Preachers of Perth, and became Bishop of Brechin. He died at Rome about the year 1274. He wrote a tract, *Contra Ottobonum Papam*, and another one, *The Dignity of the Scotch Church*.¹²⁹ Robert Kildelith, first a monk of Newbottle, next Abbot of Dunfermline, afterwards Abbot of Melrose, and then High Chancellor of Scotland, he wrote *De Successione Abbatum de Mailros*.¹³⁰

William Fraser was for seven years Chancellor of Scotland, and was elected Bishop of St. Andrews, 1279. As we have

¹²⁶ *Descriptive Catalogue of Materials Relating to the Early History of Britain*. T. D. Hardy. Vol II., p. 282.

¹²⁷ *Ibid.*, p. 406.

¹²⁸ *Ibid.*, Vol. III., p. 63.

¹²⁹ *Ibid.*, Vol. III., p. 206.

¹³⁰ *Ibid.*, Vol. III., p. 204.

seen, after the death of Alexander III., he was chosen one of the Regents of the kingdom, and for a time he played an active part in the opening of the struggle with England. He wrote *De Jure Successionis Regni Scotiæ*, and a work entitled *Concordantia in Evangelia*. He died in France, 1297.¹³¹

Another class of writings, some of them composed in the 12th and 13th centuries, are more important than those just noticed. Of this class, we have the *Chronicle of Melrose*, extending from the year 735 to 1270. The early part of it appears to have been written towards the end of the 11th century. It was afterwards continued by several scribes, till the *Chronicle* assumed its present form, probably in the 13th century. For the later part of the 12th, and the greater part of the 13th centuries, it is of considerable historical value.¹³²

The Chronicle of St. Crucis, Edinburgh, of which the early part is mostly compiled from Bede's *History*; it then leaps to the year 1065, and follows Simeon of Durham, with some additions, to 1129. From that year it is almost wholly occupied with notices relating to Scotland, and abruptly ends in 1153. The hand is nearly the same throughout.¹³³

There are a few other short Latin Chronicles of the period, but they are slight, and contain little more than the names and succession of the kings. There are also some fragments of lost chronicles. The whole of them have been carefully edited and published by the authority of the Record Commissioners, but only a few of the early pieces in this collection appear to have been written in Scotland.¹³⁴

A few of the Chartularies of the religious houses, and parts of the Registers of the Dioceses of Aberdeen, Glasgow, and others,

¹³¹ *Descriptive Catalogue of Materials Relating to the Early History of Britain*, Vol. III., pp. 253, 254.

¹³² *Ibid.*, pp. 177, 179.

¹³³ *Ibid.*, Vol. II., pp. 289, 290.

¹³⁴ *Chronicles of the Picts and Scots*. 1867. See Pref., pp. 52, 53, 55, 56, 58,

were written in the 13th century. These can hardly be called literature, but they contain valuable historical materials.

Several lists are preserved of the Records of Scotland, removed from Edinburgh by Edward I., and afterwards partly restored to John Baliol; but of their subsequent fate we know nothing. The titles and headings of the rolls are all that now remain. The records, as they stood at the death of Alexander III., contained a vast amount of matter of all sorts, public transactions, charters, judicial proceedings, legislative acts and ordinances, letters and writs.¹³⁵ That any of these records were intentionally destroyed, I do not for a moment suppose. Probably their greatest enemy was the wasting 'tooth of time, and the comparative neglect which befell them.

Touching the music of the period, there is little satisfactory information. The only specimens of the musical instruments are those found upon the stone carvings and ornamental pillars of the churches. On Melrose Abbey there are figures of musicians with their instruments in their hands, such as the flute, the bagpipe, and the violin. It must, however, be remembered that Melrose was built in the later half of the 14th, and early part of the 15th centuries.¹³⁶ About the end of the 12th century, it is said, the Scots used three instruments—the harp, the tambour, and the bagpipe. It is probable the church music tended to overlay the original music of the people. The Roman Catholic system had this effect, more or less, wherever it prevailed.¹³⁷

The services of the Church were accompanied with all the sound and show which the resources of the people could command. It was enacted in the constitution of the Cathedral of Aberdeen, 1279, that the master of the schools should see to

¹³⁵ *Acts Parl. Scot.*, Vol. I., pp. 14, 15, 48, Preface, and Appendix to Pref., pp. 1-12.

¹³⁶ Tytler's *History of Scotland*, Vol. II., p. 374.

¹³⁷ *Ancient Scottish Melodies*. Edited by W. Dauny. 1838. Pp. 58, 59, 184. This point touched on in the 12th chapter.

the attendance of four singing boys at matins and high mass and all the greater festivals; two to carry tapers and two to burn incense. There were schools for teaching singing or chant in most of the cathedral cities at least as early as the 11th century.¹³⁸

Reference was already made to the early modes of building but owing to the paucity of specimens, rather indistinctly. We have now clearer information. The first period of what may be called church architecture in Scotland commences about the opening of the 12th century. The chief characteristics of this style were short, round pillars, semi-circular arches, inclining to the horse-shoe form; and it retained these features through a remarkable progress of mere embellishment. In its early stage it was simple, and very massy; but, ere it was superseded, it became excessively ornamented. This style of church building was generally in vogue, throughout the 12th century, in Scotland.¹³⁹

The fragments of it now remaining in Scotland are few. The nave of the abbey of Dunfermline, dedicated 1150; the cathedral of Kirkwall, founded 1138, but many years before completed, and in its feature exhibiting the changes of style; a part of the abbey church of Jedburgh; Leuchars, in Fife; lastly, we have the choir of the cathedral of St. Andrews, begun 1160, the monastery of Kelso, portions of rural churches in the Merse, and parts of the monasteries of Arbroath, Holyrood, and the chapel of St. Margaret in the Castle of Edinburgh.¹⁴⁰

The next century brought forth another style, called early English or the first pointed. The 13th century is a great church-building age in Scotland; then it was that many fine old churches were erected, the ruins of which still at

¹³⁸ *Spalding Club Miscellany*, Vol. V., p. 70; Pref. Innes's *Scotland in the Middle Ages*, pp. 135, 136.

¹³⁹ Innes's *Scotland in the Middle Ages*, pp. 293, 294.

¹⁴⁰ *Ancient Church of Scotland*, Walcott. 1874. Muir's *Characteristics of Old Church Architecture*.

the skill and excellent workmanship of their builders. To it belong the cathedrals of St. Andrews, Glasgow, Brechin, Dunblane, Whithern, Dornoch, and a portion of the old cathedral of Elgin; the abbey churches of Arbroath, Paisley, Coldingham, Kilwinning, Restennot, Dundrennan, Ferne, Cambuskenneth, Inchmahome, Sweetheart, and Pluscardine. The later portions of Dunfermline, Jedburgh, Holyrood, and Dryburgh.¹⁴¹

This was the era of associations of church building, which it is said the Pope originated. They are supposed to have assisted in erecting many of the most beautiful churches of Europe, and to have given them the characteristics of uniformity and symmetry.¹⁴² Among ourselves there is one notice of a society instituted by Bishop Jocelin, 1190, with the object of restoring the cathedral of Glasgow.¹⁴³

Instead of attributing the designs and workmanship of our old churches to foreign artists, probably it would be nearer the truth to suppose that the churchmen themselves planned many of them. And it is reasonable to think that their own vassals and tenants would collect the materials, and otherwise assist in the building. This agrees better with the circumstances than any other theory. The old churches were not suddenly raised, they were fifty years, a hundred, and often longer in building. So it simply comes to this, if they were built by foreigners, the foreigners must become resident; moreover one set of them could never finish the church which they began, unless we suppose that they lived as long as Methuselah.

The leading characteristics of this style are the pointed arch, the tall and more slender pillar, consisting of clustered shafts round a circular pier, frequently divided by one or more bands, with capitals plain or wrought in profuse variety; long, narrow,

¹⁴¹ Innes's *Scotland in the Middle Ages*, pp. 296, 297. *Ancient Church of Scotland*, Walcott, pp. 26-28.

¹⁴² Tytler's *History of Scotland*, Vol. II., pp. 395-397.

¹⁴³ Innes's *Scotland in the Middle Ages*, p. 298.

Dr. Burton says these noble buildings could not have been raised if there had not been riches in the country.¹⁴⁵ It is unnecessary to conclude that the nation must have been rich. These churches were not built in a year or two, as the great ones are ; and probably most of the labour connected with the building was not paid for but done by the vassals and serfs belonging to the church itself. And I am inclined to think that the monks themselves often put their own hands to the work of building, and especially of decorating their churches for worship. Thus we see how all the churches could have been erected without great wealth. If, however, it is the riches of the church itself which the historian means when he speaks of the riches of the country, then it is true the church possessed a large part of the best land in the kingdom, with a large number of serfs on it who laboured for the sole profit of the church. In this respect, the Church of Scotland attained the height of its wealth about the middle of the 13th century. In this century the nobles also might be called rich, because they possessed large tracts of land with the full command of the population, and had a multitude of human beings very much attached to them, in position of cattle and horses, who toiled for the good of the noble lords.¹⁴⁶

Touching the castles of the age conflicting opinions exist, owing to the comparative absence of early specimens. I have not a fragment of the Norman type of castle in Scotland earlier date than the middle of the 13th century. T.

¹⁴⁴ Innes's *Scotland in the Middle Ages*, pp. 298, 299.

¹⁴⁵ Burton's *History of Scotland*, Vol. II., p. 191.

¹⁴⁶ Haile's *Annals*, Vol. I., pp. 334, 335.

castle of the Norman style is Hermitage, built about 1244; later in the century we have Lochindorb, Bothwell, Kildrummy, Caerlaverock, and Dirleton. Dr. Burton holds that most of these castles were built by the English invaders, that there were few Norman castles in Scotland before the war of independence.¹⁴⁷ This view is open to a serious objection. It is well known that these castles could not be erected on the spur of the moment in an enemy's country, or at once raised up throughout Scotland; and though Edward I. repeatedly overran the kingdom, he never held peaceable possession of any part of it for two consecutive years; and if he had built so many castles within so short a time, we certainly would have distinct information about them. The point is too narrow to engage further discussion, but there is no disputing that Scotland had many castles and fortresses, whether they were Norman or not, before the war of independence.

In 1263, when it became known that Haco, the king of Norway, was to invade the kingdom, the castles on the coasts of Scotland were inspected. They had stores and warlike engines, and some of them had a dungeon and fetters of iron for the prisoners. Many of the castles had a strategic command of a wide sweep of country, while others were erected close to the sea on an isolated rock, which in those days rendered it difficult to attack them.¹⁴⁸

Coming to the eve of the outbreak of the war, the castles held by the crown amounted to about thirty. In the southern part of the kingdom there were the castles of Berwick, Roxburgh, Edinburgh, and Jedburgh; in the west and further inward, Kirkcudbright, Wigton, Dumfries, Dumbarton, Ayr, Tarbet, and the most important fortress of all, the castle of Stirling, which guarded the passage of the Forth; northwards,

¹⁴⁷ Burton's *History of Scotland*, Vol. II., pp. 183-185. Haile's *Annals*, Vol. I., p. 175.

¹⁴⁸ Chamberlain's *Rolls*, Vol. I., pp. 9, 29, *et seq.* Tytler's *History of Scotland*, Vol. II., p. 381.

the castles of Dundee, Forfar, Kincardine, Aboyne, Cluny, Aberdeen, Banff, Elgin, Nairn, Forres, Dingwall, Cromarty, and Inverness; ¹⁴⁹ Rothsay, a royal castle founded early in the 13th century; and several others of less importance. ¹⁵⁰ Besides these, there were many other castles of great strength and commanding positions in the hands of the nobles; ¹⁵¹ moreover, there were fortified dwelling-houses in those days, owing to the lawlessness of society. Such was the defensive condition of the nation when it entered upon an unequal struggle with England.

The most of the dwellings of the people in the boroughs and villages were still built of wood, or other slight material ready to hand; of course no fragments of them now remain. As the houses were built of such combustible materials, they were very liable to catch fire; ¹⁵² hence the burning of whole towns frequently occurred; the year 1244 was extremely disastrous, many of the towns were completely burnt down. ¹⁵³

Though the handicraft arts had advanced considerably in some directions, the diffusion of mechanical skill among the people of Scotland was as yet comparatively limited. We have seen that a department of ornamental art had long before this reached a high pitch of development; still this special skill was probably confined to a few individuals. The monks themselves may have been workers in wood and stone before the arts of architecture and sculpture were even separated from the ornamental handiwork amongst our countrymen. It is plain enough that the artists of those times exhibited remarkable

¹⁴⁹ *Historical Documents of Scotland*, from 1286 to 1306, Vol. I., pp. 241, 263, 322, 352, 346, 268, 301, 350, 255, 284, 292, 331, 277, 297, 325, 244, 347, 249, 300, 289, 353, 356, 253, 318, 247, 312, 287, 298, 330, 265, 283, 340, 353, 354.

¹⁵⁰ Innes's *Scotland in the Middle Ages*, Notes to Maps, p. 24.

¹⁵¹ *Historical Documents of Scotland*, Vol. I., Preface, p. 45.

¹⁵² *Acts Parl. Scot.*, Vol. I., pp. 26, 30, 37. *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 14, 24, 40.

¹⁵³ Haile's *Annals*, Vol. I., p. 332.

kill in ornamentation, and that good masonry was the order of the day in all church buildings. But it does not follow that the material and industrial arts were in an equally advanced age. The length of time alone that the churches were in building indicates palpable deficiencies, that available means were few, and no well adjusted system of appliances anywhere existed in Scotland.

There were smiths, goldsmiths, tanners, shoemakers, armourers, dyers, carpenters, and the like, in every borough. The monasteries kept tradesmen of their own attached to the establishments. A charter of Alexander I. allowed the monks of one to have one tanner, one smith, and one shoemaker.¹⁵⁴

In connection with this subject, and as illustrating the dress and armour of the age, something may be gathered from the seals used in Scotland. The seal of Alexander I. shows the king on horseback. He wears a hauberk of flat rings fitting close to the body, with a skirt, below which is seen the quilted tunic. The sleeves are wide and leave the hands uncovered. The hood is attached to the hauberk, and thrown back from the face. The legs and feet are protected by ring mail, and from the heel the simple prick-spur projects. The breast-leather securing the saddle is more ornamented than that on the seal of King Duncan. On the counter-seal the king is sitting on a chair of state, vested in royal robes. A richly embroidered cloak is thrown over his shoulders and fastened on the breast; both arms are extended, his right holding a sword, and the left a globe surmounted with a cross. He does not appear to have a crown upon his head.¹⁵⁵

Only fragments of the seal of David I. now remain; but the design appears to be the same as that of Alexander's. The seal of Malcolm IV. is also similar to the two last.¹⁵⁶

The seal of William the Lion is in good preservation, but

¹⁵⁴ *Acts Parl. Scot.*, Vol. I., pp. 39, 338, and pp. 53, 93.

¹⁵⁵ H. Laing's *Ancient Scottish Seals*, p. 2.

¹⁵⁶ *Ibid.*, p. 2.

the design and execution of it do not show any advance in the art. He is represented on horseback at gallop, with a lance and pennon of three points in his right hand, and in his left a shield. This shield is very convex, approaching the heater shape; it is suspended in front of the body by a guige, and a great part of its exterior is seen. On this was subsequently depicted the armorial bearings of the owner of the seal; but on this shield nothing is shown, it is quite plain. The sword sheath is seen hanging from the left side of the saddle, the only instance where it has been represented. The breast-leather and saddle have no ornament.¹⁵⁷

The seal of Alexander II. exhibits a decided improvement in the art. The king is represented on horseback, as before, but differing in having a drawn sword in his right hand, instead of the lance with its pennons. Suspended in front of the body is a shield, on which is boldly and distinctly represented the lion rampant, with apparent remains of the double tressure. He is armed in masled armour, with surcoat over; the helmet is now cylindrical and neatly square at the top, with the addition of a lower piece—the aventaille protecting the face. There is the spur, and the simple pointed lance-head. The breast-leather of the horse is decorated with tassels, and on the back part of the saddle is emblazoned the lion rampant.¹⁵⁸

Some of the seals of Alexander III. are richly designed and executed with remarkable spirit and truth in all their details, showing a marked advance of the art. The king, in one of them, is represented on horseback at full speed, completely armed in chain mail, continued without a skirt over the legs and feet, and over it he wears a surcoat, and cylindrical helmet on his head, square topped, with horizontal opening. In his right hand, a sword; in front, a shield suspended by the guige, and ornamented with the arms of Scotland, which are repeated on the long flowing caparison of the horse. The

¹⁵⁷ H. Laing's *Ancient Scottish Seals*, p. 3.

¹⁵⁸ *Ibid.*, pp. 3, 4.

is securing the saddle first appear on this seal. The head of the horse is decorated with a plume of feathers. The back is enlivened with trefoils.¹⁵⁹ On the counter-seal of the king is represented after a design resembling those of preceding kings, but greatly improved in style and enriched with ornament.¹⁶⁰

The seals of the nobility and clergy need not detain long; those of the nobles present little variation from the circular type, while those of the ecclesiastical class are generally oval shaped.¹⁶¹

Among the aristocracy the most common design of their seals is a man on horseback.¹⁶² The lion rampant—one, two, or three—is frequently depicted on them. The boar passant, the bear's head, and the stag's head are well brought out; the lion's head coupled; the fox and dog also find a place on the seals of the period.¹⁶³ The hunter on horseback at full gallop, with a hunting spear, and horn, and dog; a falconer, too, appears on horseback, with his arm extended and holding a hawk on by the jess.¹⁶⁴

Serpents and lizards are often figured on the seals, as on the highly sculptured stones.¹⁶⁵ Among the feathered tribe the eagle seems to have been the favourite. He is displayed in a variety of positions, sometimes the eagle's breast is charged with a shield, under his head an ornament, and at the back of the head a cross. Or he is represented as alighting.¹⁶⁶ The cockatrice, the raven, and other birds occur; fish, too, are figured on these ancient seals.¹⁶⁷

¹⁵⁹ Laing's *Ancient Scottish Seals*, p. 4.

¹⁶⁰ *Ibid.*, pp. 4, 5.

¹⁶¹ *Ibid.*, p. 20, Pref. *Acts Parl. Scot.*, Vol. I., p. 114, Engraving.

¹⁶² Laing's *Ancient Seals*, pp. 23, 29, 30, 53, 78, 80, 95, 113, 125, 129.

¹⁶³ *Ibid.*, pp. 27, 53, 54, 55, 108, 116, 58, 74, 82, 84, 85, 112, 68, 40.

¹⁶⁴ *Ibid.*, pp. 116, 140.

¹⁶⁵ *Ibid.*, pp. 30, 32, 63, 116, 136, 141, 98.

¹⁶⁶ *Ibid.*, pp. 42, 115, 129, 139.

¹⁶⁷ *Ibid.*, pp. 28, 68, 85, 111, 112, 123.

On the seal of the Earl of Caithness, 1292, the figures sitting in a galley without sails, the mast terminated in a cross, and the prow and stern in the heads of dragons. The whole within a double tressure, flowered and counter-charged. There is a hare above the shield, and on each side of the shield a lion. About the same time, Alexander of Argyle had a representation of a galley on his seal, somewhat similar.¹⁶⁸ The dragon was a common one on the seals of the period.

On a seal, bearing date 1176, there is a full-length figure of a female in long and flowing drapery, both arms extended, holding a falcon resting on her left hand.¹⁶⁹ On another, dated 1170, there is the representation of a man sitting attentively reading a book. An oval-shaped seal, with date 1181, has a figure on it like a monkey or baboon, kneeling on one knee upon the back of an animal resembling a lion, which he grasps with both paws round the neck. In the background seems to be the head of an animal in front of the background of the seal is a series of crosses.¹⁷⁰

Conies or rabbits are figured on the seals. Tree foliage, flowers, and roses are well represented on them.¹⁷¹

Touching the seals of the bishops and the religious of Scotland, there is nothing very striking about them. They mostly deal with the representation of some religious object. On the seals of the higher churchmen, the most common figure is the bishop in pontifical vestments. The Virgin also is brought out in various forms.¹⁷² On a seal of the Bishop of Glasgow, 1204, there is the figure of a bishop seated before a lectrum, on which there is a book; with his left hand he holds a rod of office, while his right hand

¹⁶⁸ Laing's *Ancient Scottish Seals*, pp. 31, 58.

¹⁶⁹ *Ibid.*, p. 84.

¹⁷⁰ *Ibid.*, pp. 37, 87.

¹⁷¹ *Ibid.*, pp. 29, 38, 39, *et seq.*

¹⁷² *Ibid.*, pp. 143, 153, *et seq.*

raised and the forefinger extended, as if he were discoursing from the volume before him.¹⁷³

The intelligent author of the interesting work on Scottish Seals, which I have freely borrowed from, gives the following on the mode of producing the original moulds:—"The method of engraving or cutting these seals was entirely by the hand, with the aid of small chisels and suitable punches of hardened steel, much in the same manner as the dies for striking coins or medals are executed. The letters of the inscriptions round the seals, some of which are very beautiful, have most probably been struck in from steel punches, but in the majority of cases they have evidently been cut with the hand."¹⁷⁴ If this be the case, it shows great cunning of hand and remarkable taste.

Many of the symbols and curious figures of the Sculptured Stones of Scotland are transferred and adopted on the seals of the 12th and 13th centuries. A connection between the objects on the early stone pillars and crosses, and those on the seals, is thus established. This relation exhibits the continuity and progress of the art until, finally, the symbols and figures on the early pillars are seen entering largely into the heraldic charges of later times.¹⁷⁵ It goes far to confirm the views of Dr. Stuart touching the meaning of the symbols on the early pillars of our country. Indeed, the time is at hand when the bundle of fictions and monstrous assumptions which ascribes every early symbol to the incantations of the misty Druids and other Eastern myths, shall be for ever driven off the ground.

The internal means of communication were extremely defective. In some parts of the country there were roads, but they were bad—often little more than a track for cattle. Wheeled carriages and waggons were used for harvest work,

¹⁷³ Laing's *Ancient Scottish Seals*, p. 163.

¹⁷⁴ *Ibid.*, p. 20 ; Preface.

¹⁷⁵ *Sculptured Stones of Scotland*, Vol. II., p. 31 ; Preface, and Appendix to Preface, pp. 14, 15, 18.

and for carrying peats from the moss,¹⁷⁶ though the pack-horse and packman were most employed in conveying goods through the country. Bridges were pretty common, but it is likely most of them were wooden. There was a bridge at Stirling, mentioned in the laws.¹⁷⁷ There was one over the Tay at Perth, one over the Esk at Brechin, and one over the North Esk ; three bridges over the Dee, one near, Aberdeen, and two further up the river.¹⁷⁸ There was one over the rapid Spey, as early as 1224, at a spot still called Boatbridge.¹⁷⁹ The monks of Kelso had a bridge over the river Ethik.¹⁸⁰

A considerable portion of the land was under tillage, but the system of agriculture was primitive and rude, as it continued to be for centuries later. In the 13th century large herds of cattle, sheep, goats, and swine were reared, and some attention seems to have been bestowed on the breeding of horses.¹⁸¹

Dairy produce had already become a staple article of domestic economy. Upon the crown lands, large quantities of cheese were annually made.¹⁸² David I. conferred on the monks of Kelso the tenth of the cheese which the crown drew from Tweeddale ; and to the monks of Scone he gave the tenth of the can of his cheese from the crown lands of Gowrie, Scone, Couper, and Forgrund. Similar grants were made to other religious houses.¹⁸³

We learn from the records of the monasteries that poultry was a part of the farm economy of the times. In the reign of Malcolm IV., upon the feast of All Saints, the monks of Scone

¹⁷⁶ Innes's *Scotland in the Middle Ages*, p. 146.

¹⁷⁷ *Acts Parl. Scot.*, Vol. I., pp. 50, 70.

¹⁷⁸ Innes's *Sketches of Early Scottish History*, p. 157.

¹⁷⁹ *Register Episcop. Moray*, pp. 121, 125.

¹⁸⁰ *Register of Kelso*, pp. 179, 309.

¹⁸¹ Chamberlain's *Rolls*, Vol. I., pp. 11, 15, 22, 25, *et seq.* *Acts Parl. Scot.*, pp. 67, 68.

¹⁸² Chamberlain's *Rolls*, Vol. I., pp. 11, 33, 41.

¹⁸³ *Acts Parl. Scot.*, Vol. I., pp. 46, 48, 53. *Registers of Kelso, Scone, and the Priory of St. Andrews.*

got ten hens from each ploughland within their territories; and the Abbot of Kelso received one hen at Christmas from every house on the lands of the monastery, for which he paid a half-penny.¹⁸⁴

The principal crop was oats, but barley and wheat, pease and beans, were also grown. Wheat was chiefly raised in the southern counties and the low grounds of Morayshire.¹⁸⁵ Large quantities of oats were ground into meal. The mills were numerous, and driven by water and wind, though the hand-mill was also used, and continued to hold its ground here and there for centuries later.¹⁸⁶ The baron's mill, with its multure and sucken, became one of the most grievous oppressions of the people.¹⁸⁷

Much of the oats and barley was malted and turned into

¹⁸⁴ *Register of Kelso*. Tytler's *History of Scotland*, Vol. II., pp. 222.

¹⁸⁵ *Chamberlain's Rolls*, Vol. I., pp. 33, 39, 41, 51, *et seq.*

¹⁸⁶ *Ancient Laws and Customs of the Boroughs of Scotland*. Touching the restrictions on hand-mill grinding—"We ordain that no one shall presume to grind wheat, mixed grain, or rye at hand-mills, unless compelled by great storm or scarcity of mills; and if in such case any one shall grind at hand-mills, he shall give the 18th measure for multure. And if any one shall presume to contravene this our prohibition, he shall be deprived of his hand-mills in all time coming, and shall grind his malt at mills paying the 24th measure." *Statutes of the Guild*, p. 74.

Again, ordinance concerning the hand-mills—That no one shall have but two pair of mills, and they who have more shall be deprived of their mills for a year and a day. *Ibid.*, p. 85; see also p. 122. And Tytler's *History of Scotland*, Vol. II., p. 216.

¹⁸⁷ "Perhaps the mill is one of the oldest adjuncts of a barony. The simple right is often amplified by the addition of the multure dues and the sucken, or, as it came to be called, the population thirled to the mill. These rights were the subject of very frequent transactions. The neighbours fought, not only with the miller, who was the universal enemy, but with each other, as to their round and order of service. One curious point of the service of the sucken was the bringing home of the mill stones. Considering that there were few or no roads, the simplest arrangement was to thrust a beam or young tree through the hole, and then for the whole multitude to wheel it along upon its edge—an operation of some difficulty and danger in a rough district." Innes's *Legal Antiquities*, pp. 47, 48. See also *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 30, 124.

ale. The brewhouses were already very numerous, and have always continued so in Scotland. Strong drinks are by no means things of yesterday. Every barony and religious house had one or more brewhouses attached to it.¹⁸⁸ Henceforth malt occupied a primary place in the economy of the community.

It seems to me we will look in vain for a class of free farmers or tenants holding land by a lease for a term of years, and paying a fixed rent on the territories of the nobles. There was a class, few in number, under the lord, and on the crown lands, who occupied a position above the farmer; this class often became possessed of land themselves. The next class, simply called farmers, were tenants at will, or from year to year, and paid heavy services to their lords; but they were not bondmen, as they had the right of going wherever they chose.¹⁸⁹ Below them was the large class of bonds and serfs.

Many of the tenants of the crown, or free farmers, were in a better position, as they held their lands for a fixed rent, and enjoyed the liberty of settling in any part of the country. In the 13th century this class was pretty numerous, and like the most favoured tenants of the great lords, occasionally passed from the position of farmers to that of land owners.¹⁹⁰

Coming to the farming of the monks on the lands of the church, where we have the fullest account of the agriculture of the period, and where probably the most favourable side of the rural population is exhibited. According to a rent-roll of the lands belonging to the monastery of Kelso, about the year

¹⁸⁸ *Acts Parl. Scot.*, Vol. I., pp. 95, 318. Chambers's *Caledonia*, Vol. I., pp. 796, 797. The boroughs were exceedingly jealous of their rights of brewing. Accordingly we find them attempting to restrict it. "No one without the boroughs shall have a brewhouse unless he have a pit and gallows, and then one brewhouse only." *Ancient Laws and Customs of the Boroughs of Scotland*, p. 97. The acts and statutes in the Borough Laws regulating and restricting the brewers and the ale-sellers are numerous, but concerning them we will again speak at a later stage.

¹⁸⁹ *Acts Parl. Scot.*, Vol. I., pp. 57, 70, 71, and App. to Pref., p. 1. Robertson's *Scotland under her Early Kings*, Vol. II., pp. 155-157.

¹⁹⁰ Robertson's *Ibid.*

1290, the monks had large territories, mostly held in their own hands, and cultivated from their several granges. These lands were measured in ploughgates, husbandlands, and oxgates, where it was arable, and if pasture, by the number of sheep it sustained. The oxgate was thirteen acres in the Merse and Tweeddale. The husbandman who kept two oxen for the common plough, and possessed two oxgates, had thus twenty-six acres, which was called a husbandland. Four of these neighbours joined in working their common plough, and their whole possession made a ploughgate, that is, the extent of land tilled by eight oxen, or one hundred and four acres.¹⁹¹

We see what a ploughgate of land was in the south of Scotland at the end of the 13th century, and it was used in other districts. In the north-eastern counties the davoch is often met with. The exact extent of it was long a point of dispute; but it is now pretty well ascertained that a davoch of land was about four hundred and sixteen acres. On the western coasts of the Highlands and Islands, and in the Islands of Orkney and Shetland, the lands were designed as mark lands, half-mark lands, penny lands, and farthing lands, which was long a standing puzzle to antiquaries. A mark land contains thirty acres, and two thirds of an acre, and so on in descending ratio to the penny and farthing lands.¹⁹²

At the grange or farm-stead of the Abbey, the chief home on each estate, were gathered the cattle, implements, and stores required for the cultivation of the land, and the bondmen and serfs who tilled it, with their families. The serfs were the lowest in the scale among the inhabitants of the grange, they were transferable like the land which they laboured, and could be caught and brought back when they attempted to escape, as runaway oxen or sheep. Near the grange dwelt the cotters, the next class above the serfs. Each cotter had from one to nine

¹⁹¹ Innes's *Legal Antiquities*, pp. 241, 242.

¹⁹² *Ibid.*, pp. 273, 277, 278, 279, 284. Those seeking more information on local land measures may consult the second volume of the *Orig. Paroch. Scot.*

acres of land along with his house, for which he paid some money and services in seed-time and harvest; some of the cotters had no land, but they seem to have been the exception.¹⁹³

Beyond the hamlet or cotters' huts were the husbandmen, each living in his own separate farm-stead. These held a definite portion of land, for which they paid a fixed rent, and specified services, consisting of work in harvest and sheep-shearing time, and carrying the peats and wool of the monastery.¹⁹⁴ A higher class of tenant who held his lands by charter could not be ejected. His holding was commonly small, for fifty-two acres he gave eight shillings of rent, and other services in ploughing and harvest work.¹⁹⁵

Again, the highest class of church vassals were almost equal to the barons and freeholders of the crown. They generally held their lands free of all services, and merely paid a nominal rent.¹⁹⁶ There is no doubt many of the small gentry of Scotland sprang from this class.

¹⁹³ *Register of Kelso*, pp. 460-463. Innes's *Legal Antiquities*, pp. 243, 244. Across the border in Northumberland the system in operation was very much the same as in Tweeddale. The monks of Hexham had large and numerous estates, chiefly in Tindale ward, Northumberland. Among the benefactors of this house we find King David of Scotland, his son Prince Henry, and his grandson William the Lion, granting lands in Northumberland to it. *Black Book of Hexham*, Pref., p. 15. At page 86 there is a charter of William the Lion.

At Hexham, as with us, the monks farmed a part of the land themselves. And under them were—first, the husbandmen, who held a varying quantity of land. Second, the cotters, who each had a cottage and a portion of land, varying in extent, but generally less than five acres, some had only one acre, another two, three, four, and so on. *Ibid.*, Pref., pp. 18, 19.

The annual rent of these lands, and all arable and meadow ground in Northumberland belonging to the priory, ran from a sixpence to a shilling an acre. And the rent of a cottage was about eighteenpence or two shillings; but in addition to this there were various services and duties laid on the tenants—a few day's work at the mill, or at hedging, and the gift of a cock or a hen to the landlord—but in no cases were they burdensome, and would not add above two pence per acre to the rent. *Ibid.*, pp. 19, 20.

¹⁹⁴ Innes's *Scotland in the Middle Ages*, pp. 139, 140.

¹⁹⁵ Innes's *Legal Antiquities*, p. 246.

¹⁹⁶ Innes's *Scotland in the Middle Ages*, p. 140, 141.

In the 13th century the monks of Kelso had large flocks of heep, lambs, and wedders, more than 6600 altogether, and considerable numbers of oxen, cows, and swine.¹⁹⁷ The monks of Melrose, too, had pretty large herds of cattle, sheep, and swine.¹⁹⁸

To draw this imperfect sketch of the nation to a close ; many points have been only slightly touched, and a few of them may be recapitulated. The special form of feudalism introduced into the kingdom, its tendencies and its ramifications have been explained at some length. The policy of the crown in connection with the land and the people was briefly discussed, with the result of clearing the ground of some delusions, and explaining the real cause of progress—the energy of the people. The early customs of the community we have observed passing into rude written laws, which in turn were gradually changed and modified by the current of events, and the increasing command of means. The incorporation of the towns and the rules adopted for their government, the organisation of the church, the early schools, and the fragments of literature were noticed. The progress of mechanical skill and the industrial arts have been shortly indicated. And finally, the condition of the occupiers and tillers of the soil, the backbone of the nation, we have described. There can be no reasonable doubt that the nation had made several steps forward since the end of the 11th century. The kingdom, according to the standard of the times, was in a prosperous state. The diverse elements of race were slowly but surely amalgamating, and the whole country settling down under a firm government.¹⁹⁹

¹⁹⁷ *Register of Kelso*, pp. 261, 262, 264, 455, 456, 458, 463, 464, 465.

¹⁹⁸ Innes's *Sketches of Early Scottish History*, p. 99.

¹⁹⁹ Nevertheless, I cannot concur with Mr. Innes, when he asserts that Scotland at the death of Alexander III. was more civilised and more prosperous than at any other period of her existence down to the union in 1707. *Ibid.*, p. 158. And in his Preface to the *Register of Arbroath*, Vol. I., p. 29. For reasons already partly stated, and others that will hereafter come up, this view cannot be seriously entertained.

CHAPTER V.

DISPUTED SUCCESSION.—WAR OF INDEPENDENCE.

WE now resume the narrative at the point where it interrupted, when the nation awoke to the fact that was without an heir to the crown in the direct line of descent. Soon after the death of the young queen, the evils involved in a contest for the throne appeared in unmistakable forms. The chief nobles who aspired to it were intently looking out for supporters, and moving everywhere. There can be no doubt that the King of England had resolved to decide the fate of Scotland, and the surface current of events ran singularly favourable to his purpose. On the first rumour of the queen's death, William Fraser, the Bishop of St. Andrews, sent a letter to King Edward suggesting his interference in the affairs of Scotland. Probably the bishop wished to gain the favour of the king, but it seems this man stood almost alone in seeking the intervention of Edward, at least he certainly did not represent the feeling of the people of Scotland. This, however, is the only invitation which Edward got from Scotland to settle the succession. Indeed he needed none, as he had made up his mind and chosen his own path, and bent his energy toward that end with great coolness.¹

To be in readiness for any contingency, King Edward issued writs commanding his barons to attend their king at Norham, on the 3rd of June, 1291, with horse and arms. Meantime he also invited the clergy and nobles of Scotland to a conference with him at Norham, on the 10th of May, to wit-

¹ *Fœdera*, Vol. I., p. 741. Burton's *History of Scotland*, Vol. II., pp. 228.

they agreed.² Edward was as yet proceeding warily, feeling his way, as it were, and documents then sent into Scotland were couched in the most courteous terms.

At the meeting in May, the business was opened by an address from the Chief Justice of England. The burden of it was that Edward was the overlord of the kingdom of Scotland, with a strong appeal to those present to acknowledge him as such, that the great matter before them might be expedited.³

The Scotch part of the assembly were not prepared for this demand of the King of England. They were not aware that such a right of feudal superiority belonged to him, and they requested time to consult with the absent nobles, the clergy, and the community of the kingdom before giving an answer. Three weeks were allowed them; at the end of that, all were to re-assemble at Norham. A clear answer was to be given on the question of the superiority. All those opposing or demurring to it were to produce the documents or other evidence on which they founded.⁴ Edward knew this delay could not harm his claim; in fact, it must rather enhance its importance by bringing to light the real difficulties of the case. Whatever happened, he was fully prepared to meet, as his army would be in the field ere the three weeks expired.⁵

At the appointed time the meeting assembled on a green plain opposite the Castle of Norham, and eight claimants for the crown, and many of the clergy and nobles of Scotland were there. The Bishop of Bath and Wells began by reading the king's speech. After referring to the unhappy condition of Scotland, and, in a flow of words, characterising the benign goodness of him who came to its rescue, the bishop said his master had allowed three weeks to the nobles, barons, and

² *Historical Documents of Scotland*, Vol. II., pp. 227, 228. Tytler's *History of Scotland*, Vol. I., pp. 79, 80.

³ *Rishanger's Chronicle*, pp. 240, 241.

⁴ *Ibid.*, pp. 241, 242.

⁵ Tytler's *History of Scotland*, Vol. I., p. 81.

clergy of Scotland to bring forward whatever they could to impugn King Edward's right of superiority over that kingdom, and they had adduced or shown nothing to invalidate his right.

But in connection with this, one important fact has come to light, after lying hidden for 500 years. The community of Scotland had, within the prescribed time, given in an answer in writing, though it was not deemed to the point; at least we now know that the people of Scotland did speak out—that some answer was made by them against his demand of feudal superiority, while the nobles and clergy were silent.⁶ It was convenient for Edward and the claimants of the crown to ignore the people of Scotland. In their feverish heat to reach their ends, both parties forgot that a community existed in the country. For this, as might have been anticipated, they paid the penalty ere all was over; few of the descendants of the competitors for the crown, or of the Norman nobles, remained to count their acres in Scotland when the War of Independence came to a close. While the mighty Edward himself, sweeping in his power and pride, in spite of all his rolls of homages, falsehood, fraud, and premeditated imposture, bloodshed, rapine, murder, and destruction, which he had weltered through in order to gain his object, lived to see that object vanishing from his grasp; and like the beast of the forest when despoiled of its prey, tottering on the grave as he was, he raged with uncontrollable fury, all because the people of Scotland would not yield to his will. But they had a will of their own, which it would have been wise for him and all concerned to have paid a little more regard to at the outset.

When all disturbing questions were brushed off or ignored, King Edward announced that his title of Lord Superior was undisputed, and he intended to act accordingly. Robert Bruce was then asked whether he was willing to prosecute his claim to the crown of Scotland in the court of the Lord Superior

⁶ Rishanger's *Chronicle*, pp. 242-244. Burton's *History of Scotland*, Vol. II. pp. 206, 207.

the record' says that Bruce, in the presence of the bishops, nobles, magistrates, and the community, expressly, openly, and legally recognised Edward as Lord Superior, and agreed to abide by his decision. The same question was put to the other claimants, and each and all consented without reserve to the demand of the King of England, and by letters patent sealed their consent.⁷

This acknowledgment by the competitors for the crown, and the clergy and nobles of Scotland, of the claim of the Lord Superior, was sharply followed up. Edward commanded the castles and fortresses of the country to be delivered into his hands. Orders were issued to all the keepers of the Scotch castles to give them up, and Edward appointed governors of his own. The government was still in the hands of the guardians, but Edward, in the exercise of his power as Lord Superior, re-appointed them, and added one of his own to their number. He made the Bishop of Caithness Lord Chancellor of Scotland, with an Englishman, Walter Agmondesham, as his assistant. The old seal of Scotland was broken up into four pieces, and a new one made more adapted to the changed circumstances. He took the oath of allegiance from all the Scots present, a herald then proclaimed the peace of King Edward as Lord Paramount, and he issued a notice to the Chief Justice of England that the two countries, by the blessing of God and Holy Edward, being now united, henceforth his writs should be current both in England and Scotland.⁸

Edward next commanded the guardians throughout Scotland to exact the oath of allegiance to him as Lord Superior of the kingdom. This swearing-in process began on the 23rd of July, 1291, and continued for fifteen days. Stations were fixed where attendance should be given to put the oath. Those who were refractory were to be coerced by imprisonment and other

⁷ Rishanger's *Chronicle*, pp. 245, 250.

⁸ *Ibid.*, pp. 250, 252. *Fœdera*, Vol. I., p. 756. Hailes' *Annals*, Vol. I., pp. 228.

punishments.⁹ Edward himself visited various places, proceeding by Edinburgh and Stirling, to Perth, Dunfermline, St. Andrews, Kinghorn, and Linlithgow, calling upon all ranks to sign the rolls of homage as the vassals of the Lord Paramount.¹⁰

In 1291, eleven meetings were held, the first in May, and the last in August. The places of meeting and all the business transacted are stated in the record with remarkable minuteness, as if it were exceedingly important to put everything beyond the reach of question. At the one held on the 3rd of August, King Edward intimated that Baliol and Bruce should each select forty men, while he should choose twenty-four or more if he thought fit. These commissioners were to meet in a body and consider the claims of the competitors, and report to the king. At this meeting twelve claimants came up and entered their claims. Edward recommended the commissioners to consider them all attentively, and render their report at the next meeting, to be held on the 2nd of June, 1292.¹¹

This long adjournment, besides affording the commissioners ample time to make inquiries, was calculated to secure the important purpose of accustoming the Scotch nobles to look to Edward as their Lord Paramount. With a similar aim, Edward welcomed all comers. The first thing every claimant had to do was there and then to acknowledge his title as Lord Superior, and render homage to him as such ; so every newcomer, with a body of followers, always increased the number of persons who recognised and attested Edward's title. Moreover, their claims and counter-claims entangled the proceedings, and magnified the difficulties to be removed ; and so it was deemed the whole process must impress the world with the reality of the great Lord Superior's title and power.¹²

When the commissioners re-assembled on the 2nd of June,

⁹ Hailes' *Annals*, Vol. I., p. 229.

¹⁰ Tytler's *History of Scotland*, Vol. I., pp. 87, 88.

¹¹ Palgrave's *Documents*, Introduction, p. 52.

¹² Burton's *History of Scotland*, Vol. II., pp. 212, 213.

1292, a new claim was entered by Eric, King of Norway, the nephew-in-law of Alexander III., and the father of the deceased queen Margaret. Perhaps the King of Norway thought he might as well take his chance among the rest, but his claim was not pressed, and judgment went against him by default.¹³ None of the claimants came up with sufficient force to affect the current of history except Bruce and Baliol, and to enter further into the low, selfish, and grovelling scramble would be wholly out of place.

The whole affair which followed bears on its front an unmistakable air of a premeditated piece of acting, planned by Edward and pretty well performed by the Scots commissioners, who were thoroughly under his influence. The king first required the eighty-four Scots commissioners to inform the court by what laws and customs judgment should be given. They answered that, owing to differences of opinion among themselves, and the importance of the cause, they were unable to come to a conclusion without deliberation, and therefore they sought assistance from the English commissioners; but they, too, refused until more enlightened by an English parliament. Edward then adjourned the meeting to the 15th October, declaring that meanwhile he would consult the learned all over the world.¹⁴

Many meetings were held before the final decision was given. Bruce and Baliol argued their pleas with great ability. When it became evident that Baliol would be preferred, Bruce presented a second claim for a part of the kingdom of Scotland, and John De Hastings put in a similar one. These two, in turn, pleaded in opposition to Baliol that the kingdom of Scotland ought to be divided into three parts. From this point they persisted in arguing their claims at great length, and insisted throughout that Scotland was partible, like any other

¹³ *Fœdera*, Vol. I., p. 777.

¹⁴ *Hailes' Annals*, Vol. I., pp. 234, 235.

feudal fief.¹⁵ The most notable thing in the final scene, as in the whole of this beggarly struggle, is the total elimination of all reference to the people of Scotland. The grasping litigants are seen fighting with all the feudal subtleties and distinctions as if for some private estate; they were haggling about an independent kingdom as if it had been a piece of property in search of an owner. It never seems to have occurred to the greedy claimants themselves, nor their acute advisers, that the men who lived among the mountains and valleys of Scotland a bold and self-willed race, long nurtured in independence, whose spirit must be broken before the decision of the great Lord Superior himself could be of much avail.

On the 17th of November, 1292, in the Castle of Berwick before a large assemblage, Edward delivered judgment in favour of Baliol. The new vassal king had to do homage, and orders were issued to invest him in his fief. These things were all performed with a multitude of formalities, intended to place the result of the great process beyond the reach of cavil.¹⁶

The new king proceeded to Scone to be crowned, and along with him a warrant from his Lord Superior, authorising the ceremony to be performed, which was accordingly done on the 30th of November, 1292. Soon after he passed into England and there concluded the last act of the long drama by rendering homage to Edward as the invested King of Scotland. He then returned to Scotland.¹⁷

When Baliol returned, he quickly found himself among a people little disposed to submit either to him or his Lord Paramount. If at any moment he fancied himself fortunate in acceding to the throne of Scotland, he was speedily and rudely disabused. He does not appear to have been gifted with much talent; but he was thwarted at every turn by those around him.

¹⁵ Rishanger's *Chronicle*, pp. 309-356 inclusive.

¹⁶ *Ibid.*, pp. 357, 358.

¹⁷ *Ibid.*, p. 135, and the *Ragman Rolls*. Bannatyne Club, 1834. *History of Scotland*, Vol. IV., p. 315.

as an unwelcome master. It was rumoured at the time that the poor simpleton was in terror for his safety, which is likely enough, as he was now far away from his great lord and benefactor.¹⁸

The Lord Paramount soon had an opportunity of exhibiting his power ; and he put the vassal king into a most humiliating position. A whisper went abroad that the king's courts were no longer supreme—there was a higher authority which could reverse their decisions. A citizen of Berwick entered an appeal to the court of the King of England from the judgment of the late regents of Scotland. It was simply a pecuniary case, a dispute about money.¹⁹ This was followed by another relating to some lands of the Earldom of Fife, on which the Scotch Parliament had given a decision ; and Macduff, the defeated party, now appealed to the Lord Superior. Edward was not only ready to hear these appeals, but it was made a condition that the King of Scotland must attend as a party. Other two cases were appealed to King Edward, and the vassal king was forced to go and stand at the bar of the house. He was insulted and buffeted before the English Parliament as a contumacious delinquent, failing in respect to that august assembly. Accordingly, the court proposed to deprive Baliol of the means of wrong-doing, by taking three of the chief castles in Scotland and the towns attached to them into the hands of the Lord Superior, until his vassal, King John, should render proper satisfaction.²⁰ The hapless king crouched and humbly submitted, and returned to Scotland, where other events suddenly threw these appeals into the shade.

In 1294, a quarrel arose between Edward and the King of France, which led to a declaration of war. At this time the King of France was exerting all his energy to extend and consolidate his kingdom, and the occurrence of a chance to

¹⁸ Rishanger's *Chronicle*, p. 371.

¹⁹ *Historical Documents of Scotland*, Vol. I., pp. 377, 389.

²⁰ Haile's *Annals*, Vol. I., pp. 247, 254.

insult his feudal vassal, the King of England, was just the step towards the annexation of Edward's French possession the crown of France. Edward, aware of this, summoned parliament and prepared for war.²¹

He summoned his vassal, King John, and the Scots not to assist him in the French war; but, instead of obeying, he held a parliament at Scone, and at once dismissed all Englishmen from the court, and appointed a committee of twelve members to conduct the government.²²

The position of the kingdom was rapidly becoming more and more critical. In 1295, a league with France was concluded. It contained stipulations for a marriage—the son of the Scotch king was to marry the King of France's niece, daughter of the Count of Anjou. The King of France engaged to protect Scotland from English invasion, by sending an army or making a diversion. The Scots king also bound himself to send an army across the border when England was at war abroad.²³ This was a policy which had much influence for the next two centuries and a half—France and Scotland played the game against England. It is, however, exceedingly doubtful if, on the whole, it was beneficial to the Scots.

The part of the treaty which required the Scots to invade England was quickly acted on. Two raids were made into border counties—one on the eastern and another on the western side; but they produced no tangible result.²⁴ Indeed nothing could have been more foolish than these attacks of the Scots on the English, considering the state of Scotland—with a puppet of a king, a man of no soul or spirit, a divided nobility

²¹ Crowe's *History of France*, Vol. I., pp. 306-308. 1858.

²² Rishanger's *Chronicle*, pp. 151, 372, and Tytler's *History of Scotland*, Vol. I., p. 106.

²³ *Acts Parl. Scot.*, Vol. I., pp. 95-97.

²⁴ Haile's *Annals*, Vol. I., pp. 257, 258. There are accounts of the Scotch raids in the *Chronicles of the Priory of Hexham*, with the usual lamentation about the cruelties and atrocities of the Scots. But we will soon see that King Edward himself was as atrocious as the worst of the Scots.

a set of alien adventurers who looked to nothing but their own interest. A struggle with England under any circumstances was unequal on the side of Scotland; as matters then stood, doubly so. Many of the highest nobles deserted and joined the enemy, while others only gave a half-hearted support to the national cause. So the body of the people, left as they were without their natural leaders, were placed at the outset in a position of almost utter helplessness. The King of England, on the other hand, besides having a superiority of numbers at his back, proceeded with remarkable energy, and acted with great decision.

Edward marched northwards with a large and well-appointed army. So anxious was he to swell its ranks that on the 11th of April, 1296, he issued a writ inviting all sorts of criminals and vagabonds to join his army against Scotland—homicides, robbers, cut-throats, and murderers—none came amiss.²⁵ He had determined to pounce upon Berwick, then the richest town in the kingdom. The inhabitants of the borough very naturally resisted, but they were soon overpowered, and indiscriminately put to the sword. The king himself, seething like a tiger in his wrath, gave orders to spare none, and a horrible butchery ensued; neither age nor sex was heeded; nearly all the Scots in the place were massacred. The number of the townspeople slain has been variously stated; but, including young and old, the carnage probably exceeded six thousand.²⁶ The holders of the castle after a short defence, surrendered on terms, and their lives were spared.²⁷

Before leaving Berwick, Edward dug a deep ditch, and threw up defences on the Scots' side of the town. While this work was going on, he received a document from his vassal, Baliol, renouncing his homage and fealty. It recapitulated

²⁵ *Historical Documents of Scotland*, Vol. II., pp. 38, 39, 367, 368.

²⁶ *Rishanger's Chronicle*, pp. 373, 374. *Haile's Annals*, Vol. I., pp. 258, 259.

²⁷ *Tytler's History of Scotland*, Vol. I., pp. 112, 113.

the outrages and robberies inflicted on the subjects of Scotland by sea and land, and concluded with a declaration that Baliol had resolved to fight against King Edward in defence of his kingdom.²⁸

But John Baliol had exceedingly little energy or talents himself, and he was placed in trying circumstances. Accordingly we find no effective resistance was offered to the invader at any point. On leaving Berwick, the English army proceeded towards Dunbar. There a straggling Scottish force was met, on the 26th of April, 1296, and dispersed. The castle of Dunbar then fell into the hands of the English, and many prisoners were taken.²⁹

Edward and his army went rapidly on with their work. The castles of Roxburgh, Jedburgh, and others on the line of his progress were yielded up to him. He reached Edinburgh on the 6th of June, and attacked the castle with all the appliances at his command, pelting it day and night for a week before it was taken.³⁰ He next went to Linlithgow, and Stirling, where he found the castle deserted. He crossed the Forth on the 20th of June, and arrived at Perth on the 22nd, and tarried there three days. Proceeding onward he passed the Tay, and entered Forfarshire early in July; and at the castle of Brechin on the 10th of that month, the vassal king, John, came to his lord and master like a criminal and submitted to his pleasure. The instruments deemed necessary to degrade and dispossess him were then drawn up, with the usual parade of formalities. Baliol and his son were sent into England as prisoners. Thus ended the reign of John Baliol. From the first he had allowed himself to become a mere plaything in the hands of the King of England, and now he found his reward.

²⁸ *Fœdera*, Vol. I., p. 836.

²⁹ *Historical Documents of Scotland*, Vol. II., p. 26. *Rishanger's Chron.* pp. 375, 376. *Historians of Scotland*, Vol. IV., pp. 318, 319.

³⁰ *Historical Documents of Scotland*, Vol. II., p. 27.

³¹ *Ibid.*, pp. 27, 28, 59-61. *Tytler's Hist. of Scot.*, Vol. I., pp. 117-118.

Baliol, however, was not a man from whom Edward had much to fear; and after a few years' confinement in England, he was delivered up to the representatives of the Pope, and settled quietly down on his estates in France.³² It would have been much better for all his kin if they had always remained there, instead of attempting to play a game in Scotland.

The king and his army continued their march northward by Berdeen, and reached Elgin on the 26th of July, where he halted. He returned by a higher route, calling at Rothes, Overcharrach, a small hamlet among the mountains, and the castle of Kildrummy, and onwards through Kincardineshire to Brechin. Throughout this progress Edward and his army were actively employed gathering the personal homages of all who came in their way. The great nobles and churchmen were specially sent for to record their allegiance to the conquering hero. There was no help—all who wished to escape death or imprisonment had no alternative but give their oath of fealty to the new master of the kingdom.³³

When returning south, Edward took with him the Stone of Destiny from Scone, upon which the kings of Scotland had for ages been crowned. This stone was regarded with extreme veneration by the Scots. Edward was anxious to efface the patriotic feelings of the people, and he removed the stone to the Cathedral of Westminster as an offering to Edward the Confessor, and a memorial of his own conquest of Scotland.³⁴

Edward now proceeded through Fife, along the northern banks of the Forth, and reached Berwick on his return on the 22nd of August, having conquered and searched the realm of Scotland within twenty-one weeks.³⁵

He then cautiously adopted measures for the internal government of Scotland. John Warrene, Earl of Surrey, was

³² Burton's *History of Scotland*, Vol. II., pp. 275, 276.

³³ *Ragman Rolls*, pp. 59, 113, 179, 183.

³⁴ Tytler's *History of Scotland*, Vol. I., p. 120.

³⁵ *Historical Documents of Scotland*, Vol. II., p. 30-31.

appointed guardian, Hugh Cressingham, treasurer, and on Ormesby, the Justiciar. The chief castles and strongholds of the kingdom were committed to English captains, and garrisoned by English troops. Though no capricious changes were as yet attempted, every step indicated his intention to secure the conquest of the country.³⁶ Edward, having thus settled everything, passed home to England.

The swift and seemingly complete depression of the Scottish people under the hoof of the invader was simply the result of inexorable circumstances. Many of the highest nobles were Norman, some of them holding large estates in England as well as in Scotland, and, of course, their associations and feelings inclined more to the first than to the second; while, as we have seen, they were a sort of aliens, with little local connection and less hold upon the affections of the people. Thus it was, the feudalism then prevailing in Scotland was of a bastard and spurious stamp, its heads did not come to the front as the natural leaders of the people, but left them helpless and forlorn. It could hardly be expected that such nobles could have much patriotism for a nation which hated them; accordingly, we find them always acting with an eye to their own immediate interests. Besides, Edward had bribed and bought up some of the principal persons in Scotland with money and promises of lands, making them his ready and willing tools.³⁷ Hence their characteristic policy of shirking and luke-warmness and defection throughout this great national struggle—to vacillate, to recede for ever to be on the winning side was their object.

But it was very different with the bulk of the people; in this the contrast between them and the aristocracy was complete. The lower class of proprietors, the tenants of the church

³⁶ *Rotuli Scotiæ*, Vol. I., pp. 29-35. Mr. Burton has a hobby that the English built many castles at this time in Scotland. But I find only one word of the description referred to.

³⁷ Tytler's *History of Scotland*, Vol. I., pp. 107, 108. Palgrave's *Historical Documents of Scotland*, pp. 301-319.

and the crown lands, the native race of Scotland, they all keenly felt the sting of alien masters at their door. Already sullen and suspicious, the overbearing domineer of the English soldiery still further aroused their ire; intense hatred sprang up between them, strife and confusion reigned everywhere; wicked rebels, robbers, homicides, and peace-breakers, swarmed in the land. Edward wrote to Cressingham and his officials in Scotland to make all efforts to crush the rising spirit of rebellion, and not to be sparing in the distribution of the king's favours and money; but it seems the ungrateful Scots rarely asked for them.⁸⁸

It was at this critical pass that Wallace appeared to fight the battle of smouldering freedom. He belonged to the lower class of the Scotch gentry, one of those who never submitted or did homage to King Edward. The people, as we have seen, were mostly deserted by their natural leaders, but they were exasperated and eager to revolt; and only wanted a leader to rise boldly against their proud oppressors, when Wallace came forth in that character. He was a man of great political and military genius, and he soon fanned and warmed in the throbbing heart of the nation an unquenchable spirit of resistance to oppression, which all the power and cruelty of the tyrant could not subdue.

We have been often told of the bravery and daring deeds and chivalry and military prowess of the Norman nobles and knights, but they were brave only when encased in a coat of iron and mounted on horseback. Thus equipped, they fancied themselves invincible and safe from the attacks of common mortals. The consequence was that they regarded themselves as a superior class of beings. They were and had long been an arrogant and overbearing caste. The time had come when they

⁸⁸ *Historical Documents of Scotland*, Vol. II., pp. 170-172. "Sir, you have told me not to be sparing of your favours. Sir, I neither am nor shall be, if God please, for few have asked for them, in consequence of the times, which have been troublesome." (*Ibid.*, p. 227.)

were to receive a check; a new lesson was read before their eyes, though they were long in learning it. Their iron coats were of little avail in Flanders and Switzerland, at Stirling Bridge and Bannockburn.

Wallace soon gathered around him a body of companions. He began by attacking and harassing outlying parties of the English soldiers. His adherents increased with his success, and at length he made a raid on the English justiciar, Ormesby, while he was holding a court at Scone. The justiciar escaped with difficulty, and a rich booty and some prisoners were taken.³⁹

Sir William Douglas, a Scots noble, with a numerous following, joined Wallace, and they continued their attacks on the invaders with remarkable success. The new order of things introduced by the English was thrown into utter confusion.⁴⁰

When Edward first heard of the rising in Scotland he could hardly believe it, because so many of the nobles were present with himself, strictly watched, or in prison. It never occurred to him that the people of Scotland might attempt to act without their nobles. This want of foresight to estimate the spirit of resistance among the people, or to recognise their rights, proved to be the missing link from beginning to end of his elaborate scheme of conquest. Edward, however, lost no time in letting Douglas feel his displeasure. On the 12th of June, 1297, he ordered the lands, goods, and chattels of Sir William Douglas in Northumberland to be seized into the king's hands, and corn, cattle, or any other stock besides the growing crop, to sell it without delay, and enhance the price as much as possible.⁴¹

³⁹ Hailes' *Annals*, Vol. I., p. 270.

⁴⁰ *Historical Documents of Scotland*, Vol. II., p. 207.

⁴¹ *Ibid.*, pp. 176, 177. "The lands and tenements, the goods and chattels in the county of Northumberland, belonging to Sir William Douglas, should be taken into our hands; if there be any corn or cattle, or any other stock whatever, besides the growing crop, to sell it without delay, and to enhance the price thereof to our use as much as possible."

Beck, the Bishop of Durham, was sent into Scotland to see what was afoot, and quiet any disturbance; but he soon had to flee for his life. When he returned, the king was convinced there was a serious revolt. Edward then commanded the whole military array north of the Trent to assemble, and stamp out the rebellion. An army of about 40,000 entered Scotland, under the leadership of Henry Percy. He passed through Galloway by Lochmaben, and onward through Ayr to Irvine.⁴²

Robert Bruce, the grandson of the competitor for the crown, and his vassals, and other nobles and their followers, were in the neighbourhood; but, as usual, they were wavering and undecided. They thought at last of surrendering, and a treaty was concluded with the English authorities at Irvine, on the 1st of July, 1297, who again received them to King Edward's grace. The nobles who agreed to this were Robert Bruce, Earl of Carrick, James, the Steward of Scotland, John, his brother, Alexander de Lindsay, Sir William Douglas, and the Bishop of Glasgow.⁴³

A copy of the treaty was sent to Wallace, who appears to have been in the north collecting an army, but he disregarded it. Andrew Moray of Bothwell, along with a body of followers, was also in the north, upon the Spey. There, on the 17th of July, in a position protected by a bog and wood, they defied the most efforts of the king's horsemen and soldiers.⁴⁴ Wallace went to work vigorously, and organised a great force in the counties north of the Tay. He attacked the castles and strongholds, and most of them shortly fell into his hands. He had begun the siege of the Castle of Dundee, when intelligence came that the English army was marching for Stirling. Well acquainted with the ground, Wallace at once resolved to strike a blow before the enemy passed the Forth.

⁴² Tytler's *History of Scotland*, Vol. II., pp. 131, 132.

⁴³ *Historical Documents of Scotland*, pp. 192-194. Palgrave's *Documents*, pp. 197, 198.

⁴⁴ *Historical Documents of Scotland*, Vol. II., pp. 211-213.

He ordered the citizens of Dundee to continue the siege, and hurried off with his army to guard the passage of the Forth. Wallace posted his men on the rising ground commanding the bridge of Stirling. The English army lay on the opposite side of the river, about 50,000 strong. When the English leader saw the position of his enemy he sought to temporise; but Wallace knew well the important advantages of his ground, and told them he had resolved on battle. On the 11th of September, 1297, the enemy began to pass the bridge. When about one-half had crossed, Wallace, by a preconcerted movement, attacked the English in rear, and intercepted between them and the bridge. As soon as this was done, the body of the Scots rushed down and fiercely assailed the forming battalions of the English, and at once threw them into total confusion. A panic seized the whole army, and a headlong rout ensued. Many were drowned in the river or killed in the flight.⁴⁵

This battle had the effect of clearing the country of the enemy. All the castles and strongholds were recovered. Wallace was also prompt to help the cause of peaceful industry. A document, dated the 11th of October, 1297, was communicated to the towns of Lubeck and Hamburgh, in the names of Andrew Moray and William Wallace, Generals of the Armies of the Kingdom and Community of Scotland. They thank the friends of the country for their services, which the state of the kingdom had prevented the due acknowledgment, and inform them that commerce with the ports of Scotland would now be restored, "As the kingdom of Scotland, thanks be to God, has been recovered by battle from the power of the English."⁴⁶

But the ever-shifting scenes incident to warfare entail many sad consequences. The labourer is driven from his work, and part of the arable land lies untilled. A more awful foe now

⁴⁵ Hemingford's *Chronicle*, pp. 127-131. Rishanger's *Chronicle*, p. 180.

⁴⁶ *Documents Illustrative of Sir W. Wallace*, p. 158.

abroad in Scotland—a severe famine began to be felt in the peasantry, and many perished. Pestilence naturally followed in its track, engendered and aggravated by the scanty and unwholesome food of the people. Wallace, on the part of the government seemed to devolve, did all he could to relieve the suffering. He made several inroads into the border counties of England, with the object of securing booty to sustain his famishing countrymen.⁴⁷

English chroniclers, in piteous wails, describe the sad and misery of the inhabitants of Cumberland and Lancashire when the Scottish army arrived among them. Even after the flying raids of the Scots soon passed by, but now the Scottish army fixed itself in the north of England. The harsh sentences of the monkish scribe represent the Scots as nearly impious, barbarous, and cruel.⁴⁸ But of course not that their own king was the cause of their suffering and miseries of the Scots. Thus it has always been, people find excuses before they think of mooting the real cause of their misery which is crushing them.

At the end of the year 1297, or the beginning of the next, Wallace was chosen Guardian of the kingdom of Scotland and leader of its armies, in name of King John, and representative of the community.⁵⁰ Although Wallace's abilities were doubted, yet there was little hope for the nation. The state of society in Scotland rendered his success impossible. With the king banished, and many of the nobles either directly opposing the Guardian or keeping aloof in one way or another, the feudal system could not be effectively reformed.

Neither Wallace nor any chief could change the state of society in a day. Indeed it says much for the ability of Wallace that he succeeded in doing so much,

Chronicles of Scotland, Vol. IV., p. 322.

Kingford's Chronicle, Vol. II., pp. 141-146. *Chronicle and Annals of Scotland*, Vol. I., Preface, pp. 80-85.

Scott's History of Scotland, Vol. I., p. 150.

considering the adverse circumstances which hampered him on every hand.

When King Edward entered Scotland in June, 1298, with a host of 80,000, Wallace could not face it in the open field.⁵⁰ The mode of defence which he adopted was to drive off everything that could be removed, leaving the country behind him thoroughly waste, so the invaders found neither food nor shelter, nor man to direct them. Thus Wallace hoped to starve and weary out the enemy. For a time it seemed likely to succeed, the English were beginning to suffer severely; but at last Wallace was forced to give them battle near Falkirk, and notwithstanding the original skill and generalship shown in the disposal of his troops on this memorable occasion, the disparity of numbers was too great, and his small army sustained a crushing defeat.⁵¹ Wallace, however, made good his retreat, a remarkable feat, especially when the English had so many cavalry in the field.

Soon after his defeat at Falkirk, Wallace resigned the government of Scotland. From this time we hear little more of him, though it is likely he was in various ways endeavouring to serve his country up to the hour of his apprehension. It is probable he went to France, and perhaps to Rome, in connection with the public affairs of Scotland, but the evidence is so indistinct that the matter is left in doubt.⁵²

The victory of Edward at Falkirk was a profitless one. After sweeping the country on the south of the Forth, he was compelled to drag his starving army back to England,⁵³ leaving the country with his object as far as ever from its accomplishment.

After the resignation of Wallace, John Comyn of Badenoch

⁵⁰ Hemingford's *Chronicle*, Vol. II., pp. 173, 174. Burton's *History of Scotland*, Vol. II., pp. 301.

⁵¹ Hemingford's *Chronicle*, Vol. II., pp. 176-181.

⁵² *Documents Illustrative of Sir W. Wallace*, p. 102. Palgrave's *Documents*, p. 195, Introduction.

⁵³ Tytler's *History of Scotland*, Vol. I., p. 169.

de Soulis were appointed Guardians by the Scots.⁵⁴ Bishops of Glasgow and St. Andrews appear to have taken part in the war, and swore oaths of homage to Edward and broke them again just as circumstances suited.⁵⁵ At this time, 1300, the war languished. Edward was much troubled by the demands of his barons about the great and other points which were odious to the ears of all.⁵⁶ He was making every effort, however, to crush the Scots by leading an overwhelming army into it.

In 1300, Edward again invaded the country with a great army and took the Castle of Caerlaverock in Dumfriesshire, after a brave defence by the Scottish garrison. A few other castles fell into his hands, but after a campaign of five months, he returned to England without achieving any important results.

As diplomatic attempts were made by the Pope and the Kings of France to restore peace between England and Scotland, but neither the one nor the other stood true to their word in her hour of need, and it may be fairly questioned whether France really rendered any aid to the Scots in this national struggle.⁵⁸

In the spring of the year 1301, Edward once more entered Scotland at the head of a large army. The Scots laid waste the country and avoided a battle, and the English did not venture beyond the Forth. Edward established his head-quarters for a time at Linlithgow, and ordered supplies to be forwarded from England to his troops. There he amused himself by supervising the building of a castle.⁵⁹

⁵⁴ *ibid.*, Vol. I., p. 915. *Historians of Scotland*, Vol. III. Winton, p.

⁵⁵ *David's Documents*, pp. 164-184.

⁵⁶ *Robert's History of Scotland*, Vol. I., pp. 177-179.

⁵⁷ *ibid.*, Vol. I., p. 921.

⁵⁸ *Robert's History of Scotland*, Vol. II., pp. 306-320.

⁵⁹ *Robert's Annals*, Vol. I., p. 297.

It seems Edward then held the most of the country on the south of the Forth. The Scots had retained the northern districts in their own hands since the battle of Stirling, and next year they were gaining ground to the southward. In the autumn of 1302, an English army was sent into Scotland, under the command of John de Segrave. For the purpose of quartering, the army was broken into three divisions near Edinburgh. One division, under Segrave himself, was stationed at Roslin. On the 24th of February, 1303, Sir John Comyn and Simon Fraser, with a body of Scots, surprised the English in their encampment. They were completely defeated, and a considerable booty and many prisoners fell into the hands of the Scots.⁶⁰

But Edward was now free from his embarrassments at home and abroad; and, in the spring of 1303, he led an army into Scotland with the full determination to reduce it to subjection, or render it a desert, fit only for the birds of the air and the beasts of the field.⁶¹ The Scots were not in a position to offer resistance to this overwhelming force. Accordingly, Edward proceeded through the kingdom as far as Caithness. Returning to the south, he established his head-quarters at Dunfermline, and remained there through the winter.⁶² In spite of the deep religious sentiments which historians have attributed to Edward, he there and then destroyed the Benedictine monastery, one of the finest buildings in Scotland.⁶³ This is not the only instance which goes to show that this king's religion was nothing more nor less than the black and hollow pretence which so often characterises ambitious and warlike princes.

Stirling Castle still held out, and stood a long and memor-

⁶⁰ Hemingford's *Chronicle*, Vol. II., pp. 222, 223.

⁶¹ Tytler's *History of Scotland*, Vol. I., p. 199. Hemingford's *Chronicle*, Vol. II., p. 231.

⁶² Tytler's *History of Scotland*, Vol. I., pp. 200, 201, 441, 442.

⁶³ Haile's *Annals*, Vol. I., pp. 303, 304.

siege. Edward himself was there pushing on the works of the camp. So intently bent was he on taking the place, that he commanded the lead to be stripped off the roofs of the churches of St. Andrews and Brechin, and made into balls for the casting engines. The governor, Oliphant, and his garrison held out more than three months against the incessant smelting of all the destructive appliances which the English could command. When at last they surrendered, on the 10th of July, 1304, and came forth, the garrison only numbered 100 men. They were despatched into England for imprisonment.⁶⁴

It seemed now that all was lost. The courage and spirit of the people had borne up wonderfully ; but these, too, had apparently failed them. In reality it was not so, however, the spirit and energy of the people were suppressed but not extinguished, as King Edward vainly supposed.

The government and officials who ruled Scotland in the name of King John surrendered to the conqueror in the winter of 1304. On the 9th of February this was ratified. The names of those on the Scotch side who had been in arms against Edward, and parties to the treaty, were John Comyn, the governor, Sir John de Soulis, James the Steward of Scotland, David de Graham, Alexander de Lindsay, Simon Fraser, the bishop of Glasgow, Thomas de Ross, and Sir John Mowbray. These persons were to retain their lives, titles, and estates, though they were to be punished by a short exile or other punishment, merely to show that they were rebels received to mercy.⁶⁵

In the negotiations, which were long and tedious, it comes early out that Edward wished to detach as many of the followers of Comyn as possible. He held out that he would

⁶⁴ Hemingford's *Chronicle*, Vol. II., pp. 231, 232. *Fœdera*, Vol. I., p.

⁶⁵ Ryley's *Pleadings in Parliament*, pp. 369-371. Palgrave's *Documents*, p. et seq.

give them more favourable terms, if they would seek his peace without Comyn, than to surrender as his adherents.⁶⁶ Edward knew well that Comyn was the most powerful man in Scotland, and this mode of dealing, according to the prevailing ideas of the time, was certainly the most effective way to reduce his influence.

As to William Wallace, it was the king's determination that he should only be received at his will, and as he should ordain or command.⁶⁷ I think there can be no doubt that Edward had inexorably resolved to sacrifice Wallace. Probably Comyn and the nobles who adhered to him had done all they could to intercede for him. There are indications that Edward was pressed to offer terms to him, but he would not listen to anything of the kind.⁶⁸ Indeed, the capture of Wallace was now King Edward's chief object. After the siege of Stirling he basely exhorted the men just then admitted to his peace, to exert themselves and take Wallace, promising that these who took him should have some special favour shown them.⁶⁹ Thus did Edward pursue the only man who had never submitted to him nor sworn oaths and broken them again, like those whom he had often pardoned.

What, then, was the unpardonable offence which Wallace had committed in the eyes of Edward? Simply he had openly and boldly stood up against him, and dared to meet the mighty Edward himself in battle. This was the crime, the unpardonable sin, that doomed Wallace to a cruel and ignominious death.

Wallace was found in Glasgow, and his unhappy end is too well known to need repetition here. But it is certain, his cruel death, in 1305, did not promote the object intended. Parts of

⁶⁶ Palgrave's *Documents*, pp. 137, 138, Introduction.

⁶⁷ *Ibid.*, p. 284.

⁶⁸ *Historical Documents of Scotland*, Vol. II., p. 471 I am aware the statement in the text differs from the general view of our historians. They suppose Comyn and Wallace to have been enemies, but there is no evidence of this; and I will not charge him nor any of the nobles with crimes of which there is no proof.

⁶⁹ Palgrave's *Documents*, p. 276.

his mangled body were sent back from London to Scotland to strike terror into the heart of the Scots ; but while the people beheld the remains of the victim of liberty with intense emotion, their feelings rose to a pitch of unappeasable revenge. His memory became embalmed in the hearts of succeeding generations, the very idol of the nation. It is beyond all doubt that Wallace gave the prime impulse to the national feeling which afterwards assumed such intensity.

The characteristics of this really great man were admirable. As an organiser and military leader, his genius was of the highest rank ; his talents for the art of government, either in peace or war, were unquestionable, and in all his personal relations as a man, a citizen, and a patriot, Wallace stood alone, a genuine example of rectitude and unstained honour.

King Edward was now busily engaged in arranging his new scheme of government for Scotland. A governor, assisted by a council, was appointed. A parliament was held at London on the 15th of September, 1305, and Scotland was represented by ten members. These Scotch commissioners, in concert with twenty Englishmen, passed the royal ordinance for the government of Scotland. It is a document of some length, and exhibits considerable intelligence and judgment ; but, as it never became operative in Scotland, it need not be minutely described.⁷⁰

Probably Edward now fancied that the conquest of Scotland was at last complete. After twelve years of incessant craftiness, a vast sacrifice of blood and treasure, untold suffering and sorrow, engendering vehement animosities between two communities which should have been friends, the shattered old man lived to see it all passing from his grasp !

⁷⁰ Palgrave's *Documents*, pp. 292, 293, 295, 296. *Acts Parl. Scot.*, Vol. I., App. to Pref., pp. 13, 17.

CHAPTER V.L

THE WAR OF INDEPENDENCE.

THROUGHOUT the struggle with Edward I., the Scotch clergy had given him much trouble, especially the bishops of St. Andrews and Glasgow—Lamberton and Wishart. Both had again and again performed homage to Edward, and taken oaths to serve him, and as often broken off and joined Wallace and the national party. Lamberton of St. Andrews was the greatest supporter that Wallace had in Scotland. There had already been an enormous mass of homage-taking, oath-breaking, and counter-swearing. Edward had a special faith in homages and fealties, and a zest for exacting them; and the Scotch bishops and others gave him his heart's fill of it. The Scotch clergy had their own reasons for offering all the opposition in their power to the scheme of the conqueror.

It is natural, then, to find Bruce meeting Bishop Lamberton at the abbey of Cambuskenneth, in June, 1304, and there entering into a secret pact with each other. They engage faithfully to consult together, to give mutual assistance by themselves and their friends at all times against all enemies. And to warn each other of any impending danger, and endeavour to avert it, and neither to undertake any serious affair without consulting the other.¹

It appears the existence of this document became known to King Edward, and Bruce, when attending the English court, was questioned concerning it. It is said that Edward meditated taking his life; but Bruce took the hint, and, on horseback, with

¹ Palgrave's *Documents*, pp. 323-325.

followers he set off one morning for Scotland. This was in month of February, 1306—the time when the English judges were holding their courts at Dumfries. There Bruce had to attend to his duties as a freeholder of the county—

Comyn, too, was there as a freeholder of the district; so meeting of the two nobles was quite in character. They both hired the convent of the Grey Friars to have a private interview and as their conversation waxed warm. Bruce spoke of the deplorable state of Scotland, once an independent kingdom, now nothing but a province of England. He then proposed that Comyn take his lands and help him to be king; or, if he preferred, Bruce was to take his lands and assist him to be king. Comyn demurred, and professed loyalty to King Edward. Bruce charged him with betraying important secrets to his enemies; their talk grew hotter and hotter. At last Bruce drew his dagger and stabbed Comyn. He turned from the sanctuary and rushed into the street, calling for a horse. His friends looked on if anything was wrong. "I doubt," said Bruce, "I have slain Comyn." Instantly Kirkpatrick, one of his followers, entered the convent and slew the wounded man outright, and killed his uncle, Sir Robert Comyn, beside him. Bruce and his army immediately attacked the place where the English judges were sitting, and drove them across the border.²

Probably the murder of Comyn was unpremeditated. Nevertheless it removed the most powerful man in Scotland; indeed the only real competitor for the throne that Bruce had to fear. His grandson of the Bruce, who fought out the scramble in the Lord Superior's court with the now deposed Baliol, was a young man, little past thirty. Hitherto he had shown a rather vacillating character so far as he had manifested anything. His own father, a quite retired man, died 1304, and he then succeeded to the large family estates in England and Scotland. Doubtless he had always looked forward to the crown of

² Palgrave's *Documents*, p. 322. Barbour's *Bruce*, p. 27. Spalding Club Ed.

Scotland. But the Red Comyn at the time of his death had a preferable claim to his. Moreover, there was a tradition that Comyn was descended from Donald Bane of the royal line; and this would certainly have told heavily among the people in any struggle between the two for the crown of Scotland. Bruce had at last rashly committed himself, and could not turn back. He had assassinated the highest noble of the land in a place of sanctity, stained the high altar with blood, brought down on his own head all the terrors of religion; and aroused the revenge of the powerful friends and numerous vassals of the slaughtered earl.

The news that a stand had been made against the invaders soon spread. The people took up a threatening attitude, and many of Edward's servants were glad to escape out of the kingdom. Bruce himself went to his own castle of Lochmaben; and decided to take a bold step—at once to mount the throne. Having assembled his adherents, he was crowned at Scone on the 27th of March, six weeks after the death of Comyn.³ His party as yet was not numerous. It consisted of the bishops of St. Andrews, Glasgow, and Moray, the abbot of Scone, the Earls of Lennox and Athol; four young brothers of his own, and other ten or twelve barons of more or less note.⁴ But what they wanted in mere number, was partly made up by their energy and spirit.

When King Edward heard of these events in Scotland he was extremely wroth. Frail and careworn as he now was, nevertheless his savage spirit breathed forth hatred and ferocity. The Earl of Pembroke was sent into Scotland as governor in place of John Bretagne, who seems to have been driven out by the Scots. Orders with a sharp and decisive ring were issued. It was to be proclaimed through all the cities, boroughs, and towns, by the guardians and the judges on their circuits—that

³ Barbour's *Bruce*, p. 32. Hemingford's *Chronicle*, Vol. II., p. 247. Burton's *History of Scotland*, Vol. II., p. 352.

⁴ Tytler's *History of Scotland*, Vol. I., pp. 230-234.

those in arms against the king were to be pursued by hue and cry, from city to city, from county to county, from place to place, and taken dead or alive. And those who did not join the chase after them were to be forfeited and imprisoned. All men in arms against King Edward, and all giving shelter to rebels in arms, were to be hanged and beheaded. For those who had taken arms, but had surrendered and returned to their duty, there were punishments less severe. All who were in any way connected with the death of Comyn were to be drawn and hanged, and the same punishment to those affording them any rebels countenance and shelter. The implacable rage of the king runs through all the royal proclamations.⁵ They exhibit a sad commentary on the judgment of those pliant historians who represent Edward as acting from beneficent motives, and a far-reaching intelligence. Such writers simply adopted the sentiments and ideas of a later age, and impute them to this half-savage king.

Another great invasion of Scotland was determined on. Reparations were at once begun, summonses and proclamations were issued in profusion. The advance army under Pembroke reached Scotland early in 1306. The old king himself, bracing up all his remaining energy, once more began to move towards Scotland; but his frailty rendered his progress exceedingly slow.⁶ To whet the appetite and rouse the spirit of the earls, barons, and others who composed his host, Edward made grants to them of the lands and possessions of his enemies in Scotland. These promises to his army of the lands they were going to conquer, were put upon a roll, which extended all the way from Westminster to Lanercost. The king in this as in other matters paid his followers largely by expectations; which was quite in character with the whole policy of the man.⁷

⁵ *Foedera*, Vol. I., pp. 982, 995. *Palgrave's Documents*, pp. 361-363. *Curton's History of Scotland*, Vol. II., pp. 354-356.

⁶ *Haile's Annals*, Vol. II., p. 6. *Hemingford's Chronicle*, Vol. II., p. 217.

⁷ *Palgrave's Documents*, pp. 301-318, 234-236, 359-360, and Intro., pp. 190, 1.

Bruce and his adherents soon found that the English army was too strong for them to face. Pembroke, the governor, lay with his army at Perth. And Bruce imprudently allowed his small company to approach the enemy, and was attacked at Methven on the 19th of June, 1306, and utterly defeated and scattered. The new made king himself narrowly escaped capture.⁸ Many of the prisoners then taken were hanged and quartered.⁹

The desperate nature of the enterprise was now disclosed. Bruce and his friends began to feel sharply the miseries of their position. They were pursued as outlaws and treasonable rebels—forced to betake themselves to the rocks and mountains, with few or none of the comforts of life which men hold dear. Though Bruce was crowned king, in fact he was as yet far from being one, and was reduced to the lowest extremity. His supporters all over the country, and every one connected with the slaughter of Comyn, were hunted and captured, and doomed to destruction. Bruce himself had great difficulty in keeping out of the clutches of the emissaries of Edward, while the Comyns and all their adherents pursued him with the inflamed feeling of revenge. For a time, Robert Bruce became a simple fugitive, and endured many privations; but he had the real mettle in him, and the hard training which he was compelled to undergo, finally developed a fine character, and a man of remarkable ability.

It would be equally tedious and unnecessary to follow minutely the wanderings and adventures of Bruce from 1306 to 1310. Only a few points need be touched on here. About the end of the year 1306, he and a few friends passed over to the small island of Rachin on the northern coast of Ireland, and there remained during the winter, safe from the rage of his enemies.¹⁰

⁸ Barbour's *Bruce*, pp. 38-46. Hemingford's *Chronicle*, p. 249.

⁹ Barbour's *Bruce*, p. 42. Tytler's *History of Scotland*, Vol. I., p. 240.

¹⁰ Barbour's *Bruce*, pp. 70-74.

As already mentioned, every means were taken to capture Bruce's friends and followers. A hard fate awaited all who fell into the hands of Edward. The English troops scoured the country and seized every suspected person. Bishop Lamberton of St. Andrews, and the Abbot of Scone were taken and sent to England in fetters. Soon after, the Bishop of Glasgow was brought in the castle of Cupar, and sent fettered in his mail-coach to Nottingham. They had supported Bruce with all their power and influence, and their profession alone saved them from the gallows. The Bishop of Glasgow went through the country preaching to the people that war against the king of England was as meritorious as fighting against the Saracens in the Holy Land. The Bishop of Moray also told the people that they had as good a right to rebel against the King of England as to fight against the pagans in the Holy Land.¹¹ The bishop of Moray, however, eluded the grasp of Edward, and took refuge in the Orkney Islands.

Bruce's wife and daughter fell into the hands of the English, and were retained as prisoners. The Countess of Buchan, who had dared to perform an essential part of the ceremony of Bruce's coronation, was made to feel in a special form the consequences of her boldness. This noble woman was taken to Berwick and there imprisoned in a wooden cage, expressly built for her, and hung out on the walls of the castle, where the multitude could see and jeer at the unfortunate lady.¹²

Nigel Bruce, a brother of the king, was seized by the English and hanged and beheaded, and at the same time, several other knights and soldiers suffered a similar doom. Christopher Seton, a brother-in-law of Bruce, and Alexander Seton, his brother, suffered the death of traitors. The Earl of Athol, Sir Simon Fraser, and Herbert de Morham were put to death at

¹¹ Palgrave's *Documents*, pp. 351-353, 347-349, 330. *Fœdera*, Vol. I., p. 96.

¹² Hemingford's *Chronicle*, Vol. II., p. 247. Haile's *Annals*, Vol. II., pp. 1-12.

London, with all the horrible and disgusting formalities befitting the ideas of the Norman rulers. The same fate befell many other Scotchmen of less note, but equally brave.¹³

These were the acts by which the wretched Edward hoped to crush the people of Scotland, and bend them to his will. Such treatment may break the neck of a servile race, but only impels those of higher spirit and energy to more desperate efforts of resistance. The memory of those falling victims to the oppressor, the embers of the memory of departed friends smouldering in the breasts of the living, rekindle many passions and a thirst for revenge which centuries may not appease. No acts of cruelty, no sanguinary policy, however tortuous, can efface this feeling, nothing short of total extirpation will subdue it.

Robert Bruce returned to the mainland of Scotland early in the spring of 1307. He had now gained some experience; and on the 10th of May, in a well-entrenched position at Loudon Hill in Ayrshire, he gave battle to the Earl of Pembroke. Here Bruce posted his 600 spearmen, and coolly awaited the attack of the English cavalry. The Scotch spearmen stood firm, the cavalry reeled, Pembroke was totally defeated, and retreated to the castle of Ayr.¹⁴ Bruce's followers now began to have confidence in him—the first requisite for a successful leader—and from this time onward he gradually gained ground.

Edward, the leading spirit of the conquest, had advanced within sight of that country which he had doomed to destruction. But the hand of the grim enemy was upon him, and on the 7th of July, 1307, he departed, doubtless unwillingly, breathing forth vengeance on the Scots to the last gasp, and imploring it to be inflicted when he was gone.¹⁵ I confess that I fail to see any marks of great intelligence, judgment, or sagacity.

¹³ Barbour's *Bruce*, pp. 75, 76, 81. Hemingford's *Chronicle*, Vol. II., pp. 249, 250. *Chronicle of Lanercost*, pp. 205, 206. Ed. Stevenson.

¹⁴ Barbour's *Bruce*, pp. 180, 182, 183, 185.

¹⁵ *Fœdera*, Vol. I., p. 1018. Haile's *Annals*, Vol. II., pp. 24, 25.

the policy of Edward I. towards Scotland, taking it as a whole. In this I may be mistaken. What I have found in his policy and his character has been fairly and freely stated. As king and as a man, I have found him strong and determined, certainly with a measure of intelligence and talents above the average of his caste, but with a nature, vehement, cruel, and exceedingly vindictive. He began by a butchery of the people of Berwick, and there, on the border, he breathed his last.

The cause of the failure of Edward's scheme of conquest has already been indicated. As a gauge of his judgment and the range of his intellect, the case may be put in the form of two alternatives, thus—he either failed to estimate correctly the reach and limits of his own power, or he failed to forecast and recognise the energy of the people of Scotland, apart from their nobles. It makes no difference which of the two is accepted, in either case the logic of facts, and the inexorable result, utterly demolished the boasted intellect of this king, so far as his treatment of Scotland is concerned.

Edward I. just stands in the position of several other glorified military heroes. We are often called upon to admire the grand intellect and genius of Napoleon I. He, too, signally failed to forecast, and weigh the strength of the feelings and sentiments and spirit of the people of Europe. For a brief period he trampled them in the dust; but the result soon showed that he had miscalculated the compass of his power, and emphatically under-estimated that force of the people which he so utterly scorned.

The energy of Edward II., who succeeded, fell far short of that of his father, and Scotland passed out of his hands like water through a sieve. He advanced to the skirts of Ayrshire, and without effecting anything worthy of a king surrounded with a great army, he then returned home.¹⁶ He often changed the

¹⁶ Haile's *Annals*, Vol. II., p. 25.

governors of Scotland, and in many ways exhibited a want of tact and ability.¹⁷

Bruce soon turned this to his own advantage, and was fast making head. He was well seconded by two lieutenants in the work of recovering the country—his brother, Edward Bruce, and Sir James Douglas. Their operations were chiefly directed to Galloway, the forest of Selkirk, and the south of Scotland. The English were driven out of the fortresses, one by one, sometimes by the people of the district ; and Bruce immediately demolished most of them to prevent the enemy from again seizing them.¹⁸

In 1309 the clergy openly declared their adherence to King Robert Bruce. They had from the outset of the enterprise rendered him good service, and the church now threw all its power and influence on his side. Bishop Lamberton of St. Andrews, just liberated from imprisonment, had returned to Scotland, and showed his gratitude to Edward by proclaiming along with other clergy of the land, his determination to adhere to Bruce.¹⁹ In those times the clergy were an immense accession to any cause, but especially to the cause of Bruce, who was under the ban of the Pope for the murder of Comyn.

An attempt was made to conclude a peace between England and Scotland in 1309 ; but the Scots were not inclined for peace while the English continued to hold any of the strongholds of the kingdom. In the autumn of 1310, Edward entered Scotland with a large army. Bruce wisely avoided a battle. After driving off all their cattle and sheep into the narrow straths and glens, the Scots retired to the woods. The army advanced to Renfrew, looking intently but in vain for an enemy to conquer. They soon began to suffer for want of food, and without doing anything of the slightest moment, Edward

¹⁷ *Fœdera*, Vol. II., pp. 4, 6, *et seq.*

¹⁸ Barbour's *Bruce*, pp. 228, 237, 208, 247.

¹⁹ *Acts Parl. Scot.*, Vol. I., pp. 100, 101.

and his host were compelled to retreat to Berwick. Several other expeditions came to a similar upshot.²⁰

After many weary and hard struggles, Bruce's turn had at last come. In the summer of 1311, the Scots entered the northern counties of England, plundering and burning on every side, and levying contributions. These raids were quite in keeping with the spirit of the age. If one community inflicted suffering and misery on its neighbour, it leaves itself little room to complain when the day of retribution overtakes it. But now the people of the north of England dinned the ears of their king with piteous wails—they were victims forsooth at the hands of the masterful Scots.²¹ Indeed on neither side of the border as it was then much humanity; we have to wait for some centuries ere the claims of justice and reason could be heard amid the clash of the unbridled passions of half-savage kings, and an unprincipled aristocracy.²²

After the fortresses had surrendered one by one, and were levelled to the ground, Stirling Castle alone held out. It was besieged by Edward Bruce in the end of the year 1313. Mowbray, the governor, agreed to surrender it, unless it should be relieved before the 24th June the following year. The king was highly displeased with this treaty which his brother had concluded, as it placed him and his kingdom at a disadvantage; nevertheless, rather than break the agreement when once made, he ratified it,²³ though it caused him to hazard the fate of the nation on the issue of a battle. The taking of Stirling Castle cost Edward I. much hard work, and he deemed its capture his greatest achievement. It was unquestionably the most impor-

²⁰ Tytler's *History of Scotland*, Vol. I., pp. 281-283.

²¹ *Ibid.*, pp. 283-285. Burton's *History of Scotland*, Vol. II., p. 376. The English chroniclers always made great lamentation about the barbarity and impiety of the Scots, when they invaded the northern counties. See *Chronicles of Hexham*, App., pp. 58, 59.

²² Pike's *History of Crime in England*, Vol. I., pp. 170, 171, 223-230, and chapter IV.

²³ Barbour's *Bruce*, pp. 248-251.

tant fortress in Scotland, the key by which the two halves of the country could hold intercourse with each other. If, therefore, England was not to lose all hold of Scotland, Stirling Castle must be relieved by the appointed time.

Another great invasion of Scotland was resolved on, a grand effort to retain a grip of that country, which had cost them so much toil, and treasure, and blood. Vast preparations were made by the English. The whole feudal force was called up, and requisitions issued to bring forward the Welsh and Irish.²⁴ Great quantities of all kinds of provisions for the troops were collected from all quarters, and the army was well provided with cars and waggons for the transport of the tents and baggage.²⁵ Edward II. entered Scotland in June, 1314, with the largest and best-equipped army ever sent from England. In all, it amounted to a hundred thousand fighting men, and about fifty thousand of them cavalry, which in those days were deemed the chief element of strength.

The Scots did not remain idle. Bruce commanded his whole force to meet in the Torwood, near Stirling, and here he found that the greatest host he could muster barely exceeded thirty thousand men, and not more than five hundred cavalry.²⁶ He accordingly prepared to fight on foot, and to strengthen and protect his position as much as possible. The battle was to be fought under the walls of the castle.

After a careful examination of the ground, Bruce determined to dispose his army in four divisions. Three of them forming a front line towards the south-east, facing the advance of the enemy. The fourth division was placed in reserve behind the centre, under the command of the king himself. The right flank of his army was well protected, partly by the steep and rugged nature of the ground, and by the broken and wooded banks of the brawling rivulet, the Bannockburn. The left wing

²⁴ Haile's *Annals*, Vol. II., pp. 47-49.

²⁵ Tytler's *History of Scotland*, Vol. I., pp. 299, 300.

²⁶ Barbour's *Bruce*, pp. 257, 258.

s admirably secured by pits and trenches, which effectively limited the space for the enemy's cavalry. Altogether the advantages of this position were very great, and with the able leadership of Bruce, went far to compensate for disparity in numbers.

On the 23rd of June, 1314, the enemy appeared in sight ofirling, and made a bold attempt to throw a body of cavalry on the castle, but were repulsed by Randolph, the Earl of Moray. In the evening the Scots made all the requisite arrangements for the battle, and passed the night in arms upon the field.

Next morning, at the break of day, the Abbot of Inchaffary celebrated mass on an eminence in front of the Scottish army. He then passed along the line and in a few words exhorted the Scots to fight for their rights and liberty. After this the soldiers breakfasted, and then placed themselves under their different banners. When the array of the army was complete, King Robert proceeded, according to custom, to confer the honour of knighthood on a number of brave young men.

It was Monday, the 24th June, and now the mighty hosts of England began to move forward to the attack. A dense mass of warriors, noble knights in full armour mounted upon fleet and powerful chargers, and an immense body of archers advancing to take up their positions. Led on by the king surrounded with all his regal emblems of pomp and dazzling splendour, lolling in his power and rejoicing in his might, casting his royal eyes with the prospect of a great victory; all of spirit and glowing with courage, their many banners proudly waving in the air, towering in their strength, the vast array approached the Scottish position.

The English vanguard, consisting of archers and lancers, was led by the Earls of Hereford and Gloucester. The lancers charged at full gallop on the right wing of the Scots, commanded by Edward Bruce, but the Scottish spearmen firmly withstood the impetuous onset of the enemy. When the lines met, the

rearing and rattling of the English cavalry was terrific, and many good knights bit the dust, some were pitched from their saddles and slain, others trampled to death by their own horses, rendered furious with wounds. The Earl of Moray, seeing the right attacked, at once brought up the centre to face the main body of the enemy, whom he encountered with remarkable effect, even gaining ground though far outnumbered. For a moment his division appeared to be engulfed amid the seething multitude of the English. The left then rapidly advanced under the command of Sir James Douglas and Walter, the Steward of Scotland, keeping a small space to the left of the centre. The whole Scottish line now wrestled in a hand-to-hand combat with the enemy. The battle raged with the utmost fury. The English cavalry attempted, by desperate charges many times repeated, to break through the Scottish spearmen, but in vain. At this all-important hour, they thought on the home of their fathers, their own native hearths, mothers, wives, sons, and daughters, with all the sweet associations entwined around them; remembering, too, the many grinding injuries, galling outrages, stinging insults, cruel and unmitigated suffering inflicted upon them during long years of dire oppression; the soul of Scotland for once was in its place, bristling in its circle and boiling at its core, mustering all its power for one concentrated dash at the face of the enemy; they repelled every attack with steady valour, and slew heaps upon heaps of their assailants.

The English bowmen supported the cavalry charges, and galled the ranks of the Scottish spearmen; but Bruce had foreseen this, and, at the proper moment, Sir Robert Keith with 500 men-at-arms moved round the Milton Bog and charged the left flank of the archers. This movement succeeded. The English bowmen were not prepared to defend themselves at close quarters, and they were instantly overthrown and scattered in all directions; and were so thoroughly cowed that nothing could induce them to return to their posts.

The battle, however, continued to rage with unabated fury, it with disadvantage to the English. Bruce, seeing the enemy giving and his own men still fighting vigorously, encouraged his leaders to strive on, assuring them that the victory would soon be won. He then brought up the reserve, and all the four divisions of his army were engaged. The English, however, held their ground bravely, making many but unavailing efforts to break through the front of the spearmen, and at every successive charge losing more men and horses, and falling into greater confusion. It was then the burly noise was heard afar, the clashing and crashing of armour; the flight of arrows hissing through the air; the commingled whooping and shouting of the war cries; horses masterless, madly running hither and thither, careering in their frenzy, heedless of friend or foe; the ground streaming with blood, and strewn with shreds of armour, broken spears, arrows, and pennons, rich carfs and armorial bearings torn and soiled with blood and clay; and, withal, the agonising moans and groans of the wounded and dying.

The Scots continued to gain ground, and pressed with animating energy upon the confused and already tottering mass of the enemy, rending the air with shouts of "On them, on them, they fall". At a critical moment the camp followers came upon the Gillies Hill, behind the Scottish line of battle. They had fastened sheets on poles, and appeared like a new army approaching. This increased the dismay amid the ranks of the enemy, now wearied and disheartened by the fierceness of the contest, and they gave way slowly along the whole line. The eagle-eyed Robert Bruce at once perceived this, instantly put himself at the head of the reserve, and, raising his war-cry, pressed with redoubled and unbearable fury on the falling ranks of the enemy. This onset, well seconded by the other divisions of the army, decided the fate of the day. The English broke into disjointed squadrons, and began to quit the field. In spite of all the efforts and appealing entreaty of their leaders to rally

them and restore order, they dispersed and fled headlong in all directions. King Edward stood gazing intently upon the scene around him, and remained on the fatal field till all was lost; when he at last left it in utter bewilderment.²⁷ The struggle is over, the enemy in flight, and the victory complete. Ah! for the heroes who bravely beat, and bled, and fell, on Bannockburn. Glory to the memory of Robert Bruce, peace to the ashes of one among the greatest of the mighty dead; who skilfully planned, as nobly led, who fought and won the field of Bannockburn. While Scotia's mountains rear their peaks, her rivers ripple to the sea, while Scotsmen's blood runs warm, and human sympathies endure, the nation's heart will throb over the remembrance of Bannockburn.

If the human element in this great battle has been brought prominently forward, its importance demands it; as the issue of Bannockburn must be regarded as one of the causes of Britain's liberty. Moreover, feeling and sentiment have always played an active part in the world; and their manifold development should not be stifled in the bud, or throttled in the bloom. Poor and worthless is that history of a nation which would ignore it; may the day be far distant ere they cease to send forth their varied sounds; the earth would be cold and lifeless without the joyful voice of freedom.

The number of the English who fell was great. It is said that 30,000 were left dead upon the field. The standards of 27 barons were laid in the dust, and their owners slain. 200 knights and 700 squires were among the killed. The number of prisoners left in the hands of the Scots was immense. 22 barons and 60 knights, together with a multitude of the lower ranks.²⁸

²⁷ In the description of this battle I have mainly followed Barbour, the best, and among the earliest of our authorities. Book VIII., pp. 259-279. Book IX., pp. 287-304.

²⁸ Tytler's *History of Scotland*, Vol. I., pp. 317, 318, 320, and Note, Vol. II. The number of the slain, according to Haile's *Annals*, is much less. It is there stated that 42 knights were slain, Vol. II., p. 58.

ough only two men of note fell on the Scots' side, certainly a considerable number of the rank and file fell to rise no more. The Scots fought in squares or circles, and, as the enemy failed to break them at any point, this would account for the comparatively smallness of the loss on their side.

Towards the enemy's fallen and the prisoners, King Robert showed a noble and generous forbearance in the hour of victory. The humanity exhibited by the king to the captives, and the respect to their fallen,²⁹ afforded a striking contrast to the acting, cruel, and rancorous policy of the Edwards. Bruce evinced a soul, and heart, and sympathies of the most noble stamp. His conduct in the whole treatment of the living and the dead called forth the admiration of his contemporaries; excepting those destitute of any sentiment of gratitude, whom the last spark of compassion was consumed in

the enormous spoil of the English camp of course came into the hands of the Scots. It consisted of heaps of finery of every description; and amongst it the treasure and money for the troops, and the privy seal of Edward II.

The battle of Bannockburn is memorable as one of the few contests which have not only contributed to the freedom of Scotland, but also to the freedom of the human race, important consequences throughout all time. Amid the varied and long stages of the progress of political and religious freedom in Britain, there was a far better chance of its early and rapid development with Scotland as an independent kingdom, than if it had then become a province of England. The present current of history leaves no doubt on this point. We can easily picture the sort of change Scotland would have undergone in the reforming talons of Henry VIII. and his associates. Under such a regime the clergy of Scot-

Macpherson's *Bruce*, p. 318. Haile's *Annals*, Vol. II., p. 60. Burton's *History of Scotland*, Vol. II., pp. 386, 387.

land assuredly would never have been allowed to fight royalty to its face, openly beard its prerogatives, and jeer at its pretensions.

When one nation conquers another, it almost always follows as a thing of course that the subjected people must yield in their religion and politics to the domination of the conqueror, whatever it may be. The case of Ireland presents an illustration close at hand. This is not a position to be quibbled over and pushed aside by those wishing to prolong the reign of despotism and darkness, and find excuses for the most merciless schemes of ambitious tyrants who have afflicted and still afflict mankind.

After the battle the Scots were ready and exceedingly willing to improve the advantages they had gained. Raid after raid across the borders was performed with great spirit. They plundered and wasted the northern counties of England most unmercifully.³⁰ The aim of Bruce was to bring the English government to terms, as it still refused to treat him as a king.

The English were indeed anxious for peace. England was not in a state to carry on the war. But the Scots would listen to it on one condition only—the acknowledgment of their independence. Edward now had recourse to the weapons of spiritual warfare, since the arm of the flesh had so signally failed him. He made application to the Pope for a pacifying bull, which was issued in the beginning of the year 1317. The bull commanded the observance of a truce between England and the Scots for two years. This document was addressed to the illustrious Edward, King of England, and the noble Robert de Bruce, conducting himself as King of Scotland.³¹

³⁰ Walsingham's *Chronicle*, Vol. I., pp. 142, 143, 144, 158. *Chronicle of Lanercost*, pp. 229, 230. "In the summer of 1315, the Prior of Durham had a very narrow escape. Many of his suite were captured by the Scots, and he lost all the ornaments of his chapel and table, together with 60 mares and 180 cows and their followers—that is, their calves." (*Chronicles and Memorials of Hexham*, Vol. I., pp. 59, 60, Note.)

³¹ *Fœdera*, Vol. II., p. 317.

Two Cardinals were sent into England to publish the truce, if necessary, take steps to enforce its observance. Bruce declined to agree to the truce, or even to treat with the representatives of the Pope when they came to him, unless he was addressed as King of Scotland. In fact he was king, the Scots called him their king; and he told the emissaries of the Pope that he would listen to no bulls until he was treated as king, and had made himself master of Berwick.³² He was then preparing for the siege of Berwick at the time of their departure.

The Scots pushed on the siege of Berwick, and the town fell into their hands on the 28th of March, 1318. It was taken without much bloodshed; the Scots gave quarter to all who surrendered it. Shortly after the castle surrendered, and this important place was once more in the possession of the Scots. The English kept it upwards of twenty years. Bruce resolved to preserve the castle, instead of destroying it, as he had many others.³³

After the capture of Berwick the Scots at once entered Northumberland, took the castles of Wark, Harbottle, and Ford. In May they again invaded England to York, burned several towns, levied money contributions from the inhabitants, and returned to Scotland with much booty, driving their prisoners before them like flocks of sheep.³⁴

The two Cardinals in England, acting by the authority of the Pope, excommunicated Bruce and his adherents.³⁵ But owing to the national sympathies of the Scotch clergy, it had little effect in Scotland. Then, as now, the Pope often sent forth legations which fell short of their object.

In December, 1318, a parliament, held at Scone, passed many wise laws. They related to such matters as the rights

³² *Fœdera*, Vol. II., p. 340.

³³ Tytler's *History of Scotland*, Vol. I., p. 351-354.

³⁴ Haile's *Annals*, Vol. II., pp. 89, 90.

³⁵ *Fœdera*, Vol. II. Burton's *History of Scotland*, Vol. II., p. 396.

and freedom of the church. The king commanded the common laws, as of old, to be rightly administered to the poor and rich. Acts relating to debts, cattle lifting, the salmon fishery, and other regulations for promoting internal and social order. A statute concerning the arming of the people in time of war, shows that the lowest class were becoming an important element in the kingdom. Every man having goods the value of a cow was required to arm himself with a good spear, or with a bow and a sheaf of twenty-four arrows.³⁶ The social bearing of this will be elsewhere discussed along with other results of the great struggle with England.

Another act was passed bearing directly on the landed aristocracy. We already spoke of the nobles holding estates both in England and Scotland, and its results; but the time had come when this must cease. The act prohibits every landed man who has rents or possessions from sending money or goods out of the kingdom.³⁷ So those living in England could draw nothing from their lands in Scotland. Probably it was the most effective way of putting an end to that double and half-and-half allegiance, which had been so calamitous to Scotland.

The parliament also passed enactments regarding the succession to the crown. In the event of the succession falling to a minor, the office of tutor to the heir and guardian of the kingdom was declared to belong to Randolph, Earl of Moray; or, failing him, to Lord James Douglas. It was then enacted touching the rule of succession to the crown of Scotland, "That the male nearest to the king, at the time of his death, in the direct line of descent, should succeed to the crown, and failing such male, the nearest female in the same line, and failing the whole direct line, the nearest male in the collateral line, respect being had to the right of blood by which the last king reigned."³⁸

³⁶ *Acts Parl. Scot.*, Vol. I., pp. 106, 114.

³⁷ *Ibid.*, p. 113.

³⁸ *Ibid.*, and Haile's *Annals*, Vol. II., pp. 93, 94.

Edward II. attempted to re-take Berwick, but failed, while my after army of the Scots crossed the border, and inflicted suffering and death on the inhabitants of the northern counties of England. What Scotland wanted was the acknowledgment of her independence, and peace; but all her overtures were thrown back with scorn. At last England sought a truce. It was concluded on the 21st of December, 1319, to endure for ten years.³⁹

It was keenly felt in Scotland that the position of the king and the community towards the head of the Church was unsatisfactory. Though the clergy had stood firm and faithful to the king, it was not a wise policy, in those days, to continue in opposition to the holy court. Many vehement denunciatory edicts were issued from Rome against Bruce and Scotland since he mounted the throne, and England did everything she could to increase their number and enforce them. In fact such was the assumed talk, Edward II. could not treat with an excommunicated man like Bruce without asking and obtaining a papal dispensation. Thus obstacles were constantly cast in the way of peace, and the policy of the king was hampered on every side.⁴⁰ A parliament met in the Abbey of Arbroath on the 6th of April, 1320, and an address to the Pope was drawn up and adopted by the barons, freeholders, and the whole community of Scotland. After a few words about the antiquity of the nation, they proceed to plead the cause of Scotland as it stands :—

“Our nation hath hitherto lived in freedom and peace, with the protection of the papal see, till the magnificent King Edward, father of the present King of England, under the colour of friendship and alliance, did inflict us with innumerable oppressions, at the time we were without a king, and expected no fraud or deceit, and when the people were unacquainted with

³⁹ Tytler's *History of Scotland*, Vol. I. pp. 358, 366.

⁴⁰ *Fœdera*, Vol. II., p. 391, *et seq.*

arms and invasions. It is impossible for any one whose own experience hath not informed him, to describe or fully to understand the injuries, blood, and violence, the destructions, fire, imprisonments of prelates, slaughter, and robbery committed upon holy persons and religious houses, and a vast multitude of other barbarities which that king executed on this people, sparing neither age, nor sex, nor religion, nor rank of man.

“ But at length it pleased God, who only healeth wounds, to restore us to liberty from these innumerable calamities, by our most valiant Prince and King, Lord Robert, who for the delivering of his people and his own rightful inheritance from the enemies' hand, like another Jona, hath most cheerfully undergone all manner of toil, fatigue, hardship, and hazard. The Divine Providence, the right of succession, and the customs and laws of the kingdom, which we will maintain till death, and the due and lawful consent and assent of all the people, make him our king and prince. To him we are obliged and resolved to adhere in all things, both on account of his right and his merit, as the person who hath restored the people's safety, in defence of their liberties. But after all, if this prince shall leave those principles which he hath so nobly pursued, and consent that we or our kingdom be subjected to the king or people of England, we will immediately endeavour to expel him as our enemy, and as the subverter of both his own and our rights, and will choose another king who will defend our liberties; for as long as one hundred of us remain alive, we will never consent to subject ourselves to the English. For it is not glory, it is not riches, neither is it honour, but it is liberty alone that we fight and contend for, which no honest man will lose but with his life.

“ For these reasons, most reverend Father, we earnestly pray and entreat your Holiness that you may be pleased, with a sincere and cordial piety, to consider that with Him whose Vicar on earth you are, there is no respect of Jew, nor Greek,

or English ; and that, with a tender and fatherly eye, you may look upon the calamities and straits brought upon us and the church of God by the English ; and that you may admonish and exhort the King of England to rest satisfied with his own dominions, since his kingdom of old was sufficient for seven or more kings, and suffer us to live in peace in that narrow spot of Scotland, beyond which we have no habitation, and desire nothing but our own. And we on our part, so far as we are able, consistently with the national interest, are willing to do everything that may procure our peace.

“ It is your concernment, most Holy Father, to interpose in this, when you see how far the violence and barbarity of the Spaniards is let loose to rage against Christendom for punishing the sins of the Christians, and how much they daily encroach upon the Christian territories. And it is your interest to notice that there be no ground given for reflecting on your memory, if you suffer any part of the Church to come under a scandal or eclipse, which we pray God may prevent during your times.

“ Let it, therefore, please your Holiness to exhort the Christian princes not to make the wars between them and their neighbours a pretext for not going to the relief of the Holy Land, since that is not the true cause of the impediment, but the real ground of it is that they have a much nearer prospect of advantage, and far less opposition, in the subjecting of their weaker neighbours ; and God, who is ignorant of nothing, knows with how much cheerfulness both our king and we would go thither, if the King of England would leave us in peace, and we now testify and declare it to the Vicar of Christ and to all Christendom.

“ But if your Holiness shall be too credulous of the English misrepresentations, and not give fair credit to what we have said, nor desist from favouring them to our destruction, we must believe that the Most High will lay to your charge all the blood, loss of souls, and other calamities that may ensue between us and them.

“ By granting our just desires, your Holiness will always oblige us, where our duty shall require it, to endeavour to satisfy you, as becomes the obedient sons of the Vicar of Christ. We commit our cause to Him who is the supreme king and judge, we cast the burden of our cares upon Him, and hope for such an issue as may give strength and courage to us, and bring our enemies to nought. May the Almighty long preserve your Holiness to His church.”⁴¹

This manifesto had an immediate effect at the Papal court. The severe measures against Scotland were stopped for a time, and a bull addressed to King Edward, exhorting him to come to terms with the ruler and King of Scotland. The Scots sent two ambassadors to lay their cause fully before the Pope, Edward de Mabuison and Adam de Gordon. The Pope agreed to suspend proceedings against the kingdom to the end of April, 1321, but no final settlement of the difficulty was obtained.⁴²

In September, 1320, twelve commissioners were appointed by England, with power to treat with Scotland for peace. But Edward and his government were not sincere, and he took the first opportunity to again attempt to settle the matter by force of arms.⁴³

Another great invasion of Scotland was resolved on, and in the summer of 1322 an army crossed the border, said to be 100,000 strong. The policy of Bruce was to avoid a battle and starve out the enemy, and it completely succeeded. Without striking a single blow, Edward and his vast host were compelled to beat a retreat in a state of utter wretchedness. Multitudes of the men died from the

⁴¹ The translation in the text is given nearly *verbatim* from a reprint of an old one in the third volume of the publication entitled *Miscellanea Scotica*, 1820. Pp. 125-128. The original Latin document is printed in the first volume of the *Acts Parl. Scot.*, pp. 114, 115.

⁴² *Fœdera*, Vol. II., pp. 431, 432.

⁴³ *Ibid.*, p. 481.

effects of the noble exploit and fine generalship of their happy king.⁴⁴

Edward had scarcely crossed the border with his army on his way home, when the Scots were upon him; but he once more took to flight and got safely within the gates of York, leaving his army at Biland Abbey, in Yorkshire. Here the remains of the great invading army was thoroughly routed, and driven into York after himself.⁴⁵

It was becoming more and more manifest that, if peace was not concluded with Scotland, the consequences would prove most disastrous to England. The border counties were beginning to show a preference towards the King of Scots. This was the most gloomy feature of the war. The people of these districts saw that the King of England was quite unable to protect them; and, if the war continued, it seemed likely the northern counties would be lost to England. These considerations forced the English government to make proposals for peace. The main difficulty, as before, was their reluctance to acknowledge Bruce as the King of Scotland. The matter, however, was pressing, and a compromise was accepted. Bruce and his people were permitted to take the titles of king and kingdom, though the English would not give them. Under this condition a truce was concluded on the 7th of June, 1323, to endure for thirteen years.⁴⁶

But Edward and the English government, though anxious enough for a truce with Scotland, were loath to give up their ideas of conquest, when an opportunity occurred. Edward II. was still employing all his influence at the Papal court to stir up the anger of the Holy Father against Bruce, the Scots, and the clergy. The clergy especially were represented to the Pope

⁴⁴ *Walsingham*, Vol. I., p. 166. *Barbour's Bruce*, pp. 426-430.

⁴⁵ *Haile's Annals*, Vol. II., pp. 216-218. *Barbour's Bruce*, pp. 430-435. *Styler's History of Scotland*, Vol. I., p. 381.

⁴⁶ *Fœdera*, Vol. II., pp. 510, 511, 618, 521, 523, 524. *Burton's History of Scotland*, Vol. II., pp. 411-414.

in the blackest colours. It was said they cherished the people in their rebellion, and by their contempt of the censures of the church they had incurred the suspicion of heresy. Edward, therefore, thought it would be a good and proper thing to elect no more Scotsmen as bishops in their own country.⁴⁷

Bruce sent Randolph to the Papal court to sound the disposition of the Pope. This warrior, who had fought at Bannockburn, and since led many a raid across the border, proved himself well able to cope with the head of the church. At an interview with Randolph, the Pope consented to address Bruce by the title of King of Scotland.⁴⁸ So the main object of his mission was accomplished.

When returning home, Randolph, with the assistance of the Earl Marischal and three churchmen, concluded a treaty with France. Its stipulations bound France and Scotland to make common cause against England. Whenever England and France was at war, the King of Scotland is to invade England with all his power.⁴⁹

Attempts were made to treat for a final peace; but the English government was still exceedingly invidious, and continued to tease the Papal court to renew its edicts against Scotland. In 1324, Edward Baliol, the son of John, the vassal king, was brought over from France to England, with much display and circumstance.⁵⁰ The Scots then resolved to bring the truce to an end, as the English were merely playing on them.

In June, 1327, the Scots entered England in force on the western borders, and plundered the country. They outmanœuvred the English army, and, after a three weeks' raid, returned home with their booty.⁵¹ Preparations were immedi-

⁴⁷ Haile's *Annals*, Vol. II., p. 123.

⁴⁸ *Fœdera*, Vol. II., p. 541.

⁴⁹ Burton's *History of Scotland*, Vol. II., p. 418.

⁵⁰ *Fœdera*, Vol. II., pp. 558, 567.

⁵¹ Barbour's *Bruce*, pp. 465, 466.

tely made for another expedition against the eastern counties. The king himself, at the head of it, passed the border, and laid siege to the castle of Norham, and by energy and untiring efforts he at last brought the English to sue for peace on equal conditions. Meantime a truce was concluded.⁵²

An English parliament assembled at York, in January, 1328, and framed and issued a preliminary document, recognising Scotland as an independent kingdom. The King of England, for himself and his heirs, declares that the kingdom of Scotland shall remain for ever to the Lord Robert, by the grace of God illustrious King of Scotland, and to his heirs and successors, separate from England by its own marches as it stood in the days of Alexander III.; and we renounce whatever claims we or our ancestors in by-gone times have laid in any way over the kingdom of Scotland.⁵³

A treaty followed on this resolution. It was concluded at Edinburgh on the 17th of March, 1328, and ratified by the English parliament at Northampton in the beginning of May the same year. One of the articles provided for a marriage between Prince David, son and heir to the King of Scotland, and Joanna, the sister of the King of England. The two kings promise to be faithful allies, and live in peace, but reserving the obligations of the King of Scots to his ally, the King of France. All documents in the possession of the King of England, containing anything inconsistent with the independence of Scotland, are henceforth of no effect, and to be delivered up to the King of Scots wherever they are found. The King of England was to use his influence to procure the withdrawal of all proceedings at the Court of Rome injurious to King Robert and his kingdom. If the Irish rebel, the King of Scots is not to help them, or if the inhabitants of the Scottish Islands rebel, the King of England is not to assist them. Scotland agrees to pay England a sum of £20,000 sterling, in three instalments;

⁵² Barbour's *Bruce*, pp. 465, 467. Haile's *Annals*, Vol. II., pp. 139, 140.

⁵³ *Acts Parl. Scot.*, Vol. I., pp. 126, 127.

and if this money is not punctually paid, the stipulation securing the independence of Scotland becomes void.⁵⁴

King Robert had now secured to the people of Scotland the full acknowledgment of their independence and liberty. For this he had struggled and fought more than twenty long years—sometimes standing almost alone, while his adherents, his nearest kindred, and the wife of his bosom fell captives and victims to the ambition and implacable hatred of the enemy. To say that Bruce was above all the vices and shortcomings of his age would be simply to misrepresent the inexorable reality; but he rarely if ever abused a victory. Notwithstanding all that he had suffered, he was exceedingly forgiving and generous to his opponents. He ruled the kingdom with remarkable judgment, and brought the humblest class in the land into his army. He was kind and liberal to the poor and helpless, and altogether one of nature's noblest sons.⁵⁵

His days on earth were fast drawing to a close. He died on the 7th of June, 1329, at Cardross, on the northern shore of the Firth of Clyde. He was buried in the choir of the Abbey Church of Dunfermline, and over his grave was erected a marble monument.⁵⁶ But he left a higher monument—an enduring impression on the hearts of the people and succeeding generations.

⁵⁴ *Acts Parl. Scot.*, Vol. I. Haile's *Annals*, Vol. II., pp. 141-144. It seems there was an article in the treaty concerning certain disinherited lords: "Thomas, Lord Wake of Lidel; Henry de Beaumont, Earl of Buchan; and Henry de Percy, shall be restored to their lordships, lands, and estates," of which the King of Scots, owing to the war, hath taken possession (Haile's *Ibid.*, p. 144).

⁵⁵ Chamberlain's *Rolls*, Vol. I., p. 46. Tytler's *History of Scotland*, Vol. I., p. 412.

⁵⁶ Chamberlain's *Rolls*, Vol. I., pp. 99-102. Barbour's *Bruce*, pp. 475-477.

CHAPTER VII.

NARRATIVE TO THE DEATH OF ROBERT II.

Robert's son; a boy of eight years, succeeded him, under the name of David II., and the kingdom was exposed to the innumerable evils of a long minority. The boy was crowned and anointed at Scone on the 24th of November, 1329. The anointing was performed by special authority from Rome. He was the first King of Scotland anointed according to the Roman Catholic ceremonial. The Papal bull required the anointing bishop, in the name of the Pope and the See of Rome, to exact an oath from the king and his successors that they would do their utmost to root out of the kingdom all heretics whom the church denounced as heretics. This part of the oath was strictly well kept by the Scots; though not exactly in the way in which His Holiness intended. The persecuting clause survived the Reformation and the Revolution, and was not curtailed till 1792.¹

After Bruce's settlement, Randolph became regent, and he directed the government. While he lived the kingdom was well governed; but he died in July, 1332, at the moment when troubles were coming fast and thick on the nation. His son, the Earl of Mar, proved himself totally unable to direct and master the difficulties which quickly gathered round the young king.

It now became manifest that the court of England had turned over Edward Baliol from France to play the old game of the three kingdoms. This son of King John entered Scotland in the spring of 1332, and began a civil war, to raise himself to the throne.

¹ *Statuta Eccles. Scot.*, Vol. I., pp. 44-49, Pref.

throne which his father had so worthily occupied. Though he failed to establish himself there, like his father, he succeeded in bringing much suffering and misery upon the people. Indeed the whole tenor of this man's public action and life proclaims him to have been an unprincipled adventurer. What was Scotland to him? He could give the country over to the King of England for a few thousand pounds.²

It is needless to go into details of the war arising from the appearance of Edward Baliol in Scotland, further than to indicate its causes. Again and again we have spoken of the class of barons holding titles and estates both in England and Scotland, and the consequences resulting from it. We have seen the mischief which it wrought in the early stages of the War of Independence, and in many ways this alien aristocracy proved a lasting scourge to the country. All the barons with estates in both countries who had joined with England and remained in its service, as a natural result of events, lost their possessions in Scotland. After the battle of Bannockburn their position was this—if any man wanted to hold land in Scotland, he must reside there and attend to his duties; above all, assist in fighting the nation's battles.³ Thus it was that a number of nobles at this time in England had claims to titles and lands in Scotland of the same kind as Edward Baliol's title to the crown; and, of course, those with interests so much akin to his own were not only ready, but eager to join the aspirant to the throne. It is well known that, during the progress of the War of Independence, much property rapidly changed owners.

Among the English barons claiming lands in Scotland the chief were Henry Percy of Northumberland, Lord Wake of Lidel, and Henry Beaumont, Earl of Buchan. The claims of

² *Fœdœra*, Vol. II., pp. 876, 888; Vol. III., p. 317, *et seq.* An annual pension of £2000 was the sum which Edward Baliol sold the kingdom of Scotland to England for—very cheap, if he had ever had it to dispose of on any thing but paper.

³ *Acts Parl. Scot.*, Vol. I., pp. 104, 113.

re recognised in the treaty of Northampton. Percy, it had received satisfaction, but the other two had not. Their claims arose from marriages with heiresses, and of an involved character. The lands of the Comyns were so in this way, though the greater part of the territory of this once powerful family was already distributed.⁴

Among the disinherited Scotch nobles, the Earl of Athole was prominent. He had large estates in the south of England, and in Scotland, the territories of Athole and Strathbogie.⁵ As it may be understood, there were a great number of persons who came forward with real and pretended claims. They all gathered round Edward Baliol, and put him forward as their king, but, as the issue shows, merely employing him as a tool to their own ends.

The force that Baliol brought from England and landed in Scotland consisted of four hundred men-at-arms, and three or four thousand foot. But his supporters were all filled with a desire of gain, and they pushed on with great spirit. There were two armies in the field to oppose them, the incapacity or madness of the regent, Mar, led one to defeat, and the indifference and inactivity of the Earl of Athole caused the disbandment of the other, without striking a blow.⁶ So it came to pass on the 24th of September, that Baliol was crowned king at Scone, seven weeks after his arrival in Fife; yet in less than three months he fled half way to England.⁷

Baliol, however, with the aid of England, became a sort of overlord over his lord and master, Edward III. For the next years Scotland was torn by civil war, accompanied with

Letter of the Great Seal, pp. 4, 14, 15. Burton's *History of Scotland*, Vol. I., p. 7.

Walsingham's Annals, Vol. II., pp. 159-162.

Walsingham's Annals, p. 158. Hemingford's *Chronicle*, Vol. II., p. 303. Tytler's *History of Scotland*, Vol. II., pp. 11-18.

Burton's *History of Scotland*, Vol. II., pp. 19-24. Hemingford's *Chronicle*, Vol. II., p. 306.

the steady encroachment of the English on the southern half of the kingdom. During this time the suffering of the common people was extreme. Indeed, we know that multitudes perished, not only by the sword, but by famine and pestilence, which did its work of death amid intense agony and unutterable woe. Some of the fairest portions of the country was turned into a bleak desert.⁸ In this short space of time the King of England himself led four successive invasions into the devoted land, and took possession of a large part of the kingdom.⁹ This struggle was fierce and entangled throughout. It often happened that Scot fought against Scot, and every man against another for his own ends.

In the distracted state of the country it was necessary to provide for the safety of the young king. David II. and his queen were sent to France, 1333, where they were well entertained. France stood true to its old ally, sent money to the national party, and supplied them with stores and arms.¹⁰

Though sadly shattered, the national party had one or two able and honest men among them. Sir Andrew Moray of Bothwell, who when very young was joined in command with Wallace, was now chosen regent. He was a skilful leader, and a brave and upright man. In 1335 he attacked, defeated, and slew the Earl of Athole at Culben, in the west of Aberdeenshire. He collected the national party and infused them with confidence, which was all that was needed, as the people were decidedly opposed to the rule of the invader and upstart, Baliol. Moray died 1338, and the Steward of Scotland succeeded him as regent.¹¹

Meanwhile (1337) Edward III. publicly asserted his claim

⁸ *Historians of Scotland*, Vol. III., Winton, pp. 401, 439. *Haile's Annals*, Vol. II., pp. 299, 300.

⁹ *Tytler's History of Scotland*, Vol. II., p. 59.

¹⁰ *Chamberlain's Rolls*, Vol. I., pp. 253, 261. *Rotuli Scotia*, Vol. I., p. 513.

¹¹ *Historians of Scotland*, Vol. III., Winton, p. 440. *Haile's Annals*, Vol. II., pp. 203, 205, 207, 222, 223.

the crown of France, and there he found a more tempting for his ambition. So the pressure on Scotland was greatly lightened; and Edward Baliol, when left to his own resources, soon displayed his poverty. He seems to have been the object of hatred and suspicion among all classes of the Scots, and he fled out of the kingdom in 1339, and became a pensioned knight on England.¹²

The regent laid siege to Perth, the head-quarters of the king, and on the 17th of August, 1339, the garrison surrendered. Before the end of this year, Stirling and all the fortresses of the Forth were in the hands of the Scots; but the castles of Edinburgh, Roxburgh, Jedburgh, Berwick, and others of great importance, were still in the hands of the English.¹³

But the country was in a miserably disorganised state, and the regent proceeded through the kingdom, and endeavoured to restore order. The effects of this war were most pernicious. The nobles were divided among themselves, and perverted the national sentiment. When there was a clear issue between the countries, the struggle had its salutary element, but in this confused scramble the interests of family and party ambition clouded the contest, and entailed a legacy of feuds among the nobles, which distracted the whole nation.

The Castle of Edinburgh was taken in April, 1341, and in May David II. and his queen arrived from France. The king was only a youth of seventeen, but the regent gave over the government to him.¹⁴ David had few of the characteristics of his father, there was little about him to call forth the esteem of his subjects. The state of the kingdom required a ruler, full of energy, but of sagacity and firmness—unhappily he lacked these qualifications.

Treaties were concluded, but the Scots could not keep them

Hemingford's *Chronicles*, Vol. II., pp. 336-340. Buchanan's *History of Scotland*, B. IX., Ch. 27. Haile's *Annals*, Vol. II., p. 224.

Tytler's *History of Scotland*, Vol. II., p. 66.

Acts Parl. Scot., Vol. I., pp. 154, 155.

while the English held possession of districts in the south of the kingdom. In this position the nation remained for several years.

In 1346, the king assembled a large army at Perth, and marched southwards. He crossed the border and advanced towards the neighbourhood of Durham. On the 17th of October a battle was fought, and the Scots were completely defeated. King David himself, and many of his nobles, were taken prisoners. The loss of the Scots was extremely severe, probably fifteen thousand fell. But the Steward, and the Earl of March managed to escape with the remnant of the army.¹⁵

David and the prisoners were taken to London, and detained. And two of them were selected as traitors, the Earls of Menteith and Fife. They were charged with having risen in arms against their lord and master Edward III., and of course, both were found guilty. Menteith suffered the savage penalty which the English law inflicted on traitors; but the life of the Earl of Fife was spared.¹⁶

The English army, following up its victory, entered Scotland and overran anew a considerable part of the southern counties. The castles of Roxburgh and Hermitage again fell into their hands. This appears to have re-animated the hopes of that vagabond, Edward Baliol; for he assisted the English to waste and destroy the country.¹⁷

The Steward was again chosen regent. This grandson of Robert Bruce showed himself worthy of his ancestors and his high position. During a time of panic and confusion he ruled with wisdom and firmness, and endeavoured to put men of fidelity into places of trust in the government of the country. In 1347, a truce was concluded between England and France,

¹⁵ Walsingham, Vol. I., pp. 269, 270. *Historians of Scotland*, Vol. III., Winton, pp. 476, 477.

¹⁶ *Rotuli Scotia*, Vol. I., pp. 690-696, 705, 706, 686. *Fœdera*, Vol. III., pp. 95, 108.

¹⁷ *Historians of Scotland*, Vol. III., Winton, p. 478. *Haile's Annals*, Vol. II., pp. 242, 243.

ich included Scotland, and it was continued by renewals to 54¹⁸

The adjustment of the king's ransom was a tedious and difficult affair. There are indications of the English attempting a treaty with David on conditions utterly subversive of the independence of Scotland. The captive king, however, could give no assurance that these arrangements would be fulfilled; it came to nothing.¹⁹ At last the English government thought a pecuniary mulct was the best they could make of their royal prisoner. After much haggling, the ransom was finally fixed at 100,000 merks, to be paid by ten yearly instalments of 10,000 merks, or £4000 of modern money. The parliament of Scotland acknowledged this as a national debt.²⁰ It proved an enormous burden on the people, already impoverished by a war of sixty years' duration with a powerful neighbour; and often lacerated by the broils and feuds of a restless and ambitious aristocracy.

As a pledge for the fulfilment of the treaty, many hostages were delivered into the hands of the English. A truce was to be observed between the two countries until the ransom was fully paid. Under these terms David II. returned to Scotland, about the end of the year 1357. But the disposition and habits of the king were not of the stamp which endear a ruler to his people. Indeed, it seems he found little in Scotland to satisfy him, and he returned to England again and again, though every time he went there entailed more annoyance and expense upon the people.²¹

After the return of the king, the parliamentary proceedings disclose a lawless state of society throughout the kingdom. The acts passed by the Scotch parliament at this time, and for

¹⁸ *Rotuli Scotia*, Vol. I., p. 694.

¹⁹ *Fœdera*, Vol. III., p. 242.

²⁰ *Ibid.*, p. 365, *et seq.* *Acts Parl. Scot.*, Vol. I., pp. 155-158.

²¹ *Acts Parl. Scot.*, Vol. I., pp. 158-161. Haile's *Annals*, Vol. II., pp. 268,

long afterwards, cannot be regarded by the historian as anything more than mere proposals and attempts to meet abuses and wrongs, as few of them were ever carried into effect. It is essential to remember this, as the conclusions of some writers are completely vitiated by supposing when laws are passed that they must be obeyed. The Scotch aristocracy gave little heed to any law of God or man farther than it suited their convenience and pleasure. This may surprise those who believe parliaments to be omnipotent, and look upon nobles as a superior class of beings. In reality neither the one nor the other are anything of the kind, and never did nor could go much beyond the existing conditions, whether good or bad.

The first thing demanding the attention of parliament was how to raise and collect the annual instalment of the king's ransom. The parliament met at Scone on the 6th of November, 1357, and proposed to raise more money off the wool of the kingdom. The estates allowed the king four merks from every sack of wool, and the same for every two hundred wool skins. A complete account of the rents and produce of the whole lands of the realm, and a list of the proprietors' names, was ordered to be taken, and also the names of all merchants and tradesmen, for the purpose of ascertaining what tax they ought to pay on the real value of their property; and, moreover, to inquire what sum each person would be ready to contribute voluntarily towards the king's ransom. Various proposals were made for collecting this tax, and punishing those who attempted to avoid it. In this parliament it was enacted that all the lands, rents and customs originally belonging to the crown should be resumed to whomsoever they might have been granted, that all the crown lands in the kingdom may continue entire, as the nation was already burdened with the king's ransom, and might thereby be freed from any additional tax for the support of the throne.²²

²² *Acts Parl. Scot.*, Vol. I., pp. 133, 134.

The payment of the ransom pressed extremely hard upon the nation ; and in spite of all the efforts of the parliament and the people, the payment of the yearly instalment fell into arrears. This caused new arrangements and conditions to be proposed and concluded ; and altogether David II. came to be the most expensive and the worst ruler that ever sat upon the throne of Scotland.²³

This parliament proposed that there should be good sheriffs and other officers of justice in every county of the kingdom. Another parliament at Scone, in 1366, enacted that equal justice should be administered to all the subjects of the realm, and favour shown to none. It was ordered that actions at law, once begun, should proceed before the proper court in common form, and not interrupted at the instance of any powerful person. Royal remissions for crimes and injuries done, were henceforth to be null, unless the injured persons were satisfied. The church was to be protected in all its rights, and the payment of tithes enforced under a fine of ten pounds to the king. Except the customary dues, nothing was to be taken from the community for the king's use without prompt payment. The supplies granted to the crown were to be applied to the purposes for which they were raised, as the payment of the king's ransom, and other national ends. The bishops, earls, and other persons were ordered not to ride through the country with greater following than became their rank, under pain of imprisonment. They were enjoined to dismiss their companies of archers and spearmen, unless the king's officers deemed their attendance necessary.²⁴

Touching the administration of justice and the state of the nobles, much could be drawn from the proceedings of parliament. It ordered all sheriffs and inferior magistrates in town and country to obey the Chamberlain and other chief authorities,

²³ Haile's *Annals*, Vol. II., pp. 285-287.

²⁴ *Acts Parl. Scot.*, Vol. I., pp. 140, 141.

under the pain of dismissal from their offices. There were many and grievous complaints from every quarter of the kingdom against the mairs, sergeants, and other officials of the crown, regarding the fraud and extortion which they practised upon the people. These complaints were sounded into the ears of the king himself, and inquiry was ordered to be instituted. It was then enacted, that no justiciar, sheriff, or other officer of the crown, should execute any warrant either under the Great Seal, the Privy Seal, or any other seal, if it was contrary to statute and the common law of the realm. Parliament also sometimes admonished and advised the nobles to compose their feuds and dissensions, or, at least, to satisfy themselves in the common way, by a process at law. In 1368, the king is recommended to hold a council with the Earls of March and Douglas, but it is added, these barons are little disposed to labour for the common good.²⁵

It was already mentioned that David had entertained proposals inimical to the independence of Scotland, and in a parliament at Scone, 1363, he suggested to the estates that they should choose as his successor one of the sons of the King of England; and then recommended to them Prince Lionel as a most suitable person to fill the throne of Scotland. The Scotch parliament, however, rejected the proposal of the king, and threw it back with scorn. Again, in 1366, other propositions were submitted by the king, touching the homage, the succession, and the dismemberment of the kingdom; but the parliament resolved to throw out these, as being intolerable and unworthy of deliberation.²⁶

Such were the views King David had of the value and importance of the independence and liberty of his country, which had been won at the cost of so much blood and suffering. A man of this stamp was poorly qualified to lead the nation.

²⁵ *Acts Parl. Scot.*, pp. 141, 145, 146, 150, 151.

²⁶ *Ibid.*, p. 134, 135, 139.

his end was approaching, and he died on the 22nd of February, 1371, after a nominal reign of forty-two years.

As David died childless, Robert the Steward succeeded to the throne. He was crowned and anointed by the Bishop of Andrews, at Scone, on the 26th of March, 1371, in the presence of the nobles, the clergy, and a multitude of the people from all parts of the kingdom.²⁷ Robert II., the grandson of Robert I., was now in his fifty-fifth year. He had been the Regent, and we have seen he conducted the government during the captivity of the late king. He was a man of good government, and much inclined to follow the paths of peace; but the nobles and the people of Scotland were as yet hardly prepared to pursue the quiet counsels congenial to times of industry and commerce.

At this time the internal condition of England required all warlike resources at home, so the truce was continued between the two countries. This, however, could not prevent petty warfare on the borders. Apart from other causes, England had left a bone of contention, as she still ruled a part of Scotland; and it could hardly be expected that the Scots would refrain from harassing and driving out the invaders. It was by this slow process, extending over many years, that the Scots retook the conquered territory in the southern counties.²⁸

Among the first acts of the new reign was the renewal of the league with France. On the 30th of June, 1371, the alliance between the two countries was concluded, and ratified by the king of Scotland, at Edinburgh, on the 28th of October. The treaty stipulated that neither nation should make war or peace with England without the assent of the other. When England attacked one of them, the other was bound to give its aid; and in the event of a disputed succession for the crown of Scotland,

²⁷ *Acts Parl. Scot. Extracta Chron. Scotiæ*, pp. 190, 191. Edinburgh, 1842.

²⁸ *Acts Parl. Scot.*, Vol. I., pp. 181-183.

France was not to interfere, but leave it to be settled by the Scotch parliament.²⁹

Although the truce continued between the governments of England and Scotland, and no great hostile movement appeared on either side, yet the peace was almost continually broken by raids on the borders, which had become a natural result of events and circumstances.³⁰ The spirit and the right of making private war to crush an adversary, and gain possession of his lands and power, was still strong and active, both in England and Scotland. In England, at this time, the elements of discontent and rebellion raged among all classes with intense ferocity. The peasantry and poor serfs of England were ruthlessly crushed; though, considering all the circumstances, they made a brave and noble stand, and unquestionably produced an impression which was not soon forgotten.³¹ But the social effects of this rising of the lower classes belongs properly to the History of England.

The government of France resolved to stimulate the Scots to carry on the war against England; and in the month of May, 1385, a French force of 2000 men arrived at Leith, under the command of John de Vienne, Admiral of France. He also brought with him 1000 stand of arms and armour for the Scots, and fifty thousand gold pieces, which were more welcome than the fighting men, as money was more easily put to use.³²

A great difficulty at once arose:—how to find quarters for this French army. They had been accustomed to live in fine

²⁹ *Acts Parl. Scot.*, pp. 95, 96, 195. *Tytler's History of Scotland*, Vol. III., pp. 9, 10.

³⁰ *Walsingham's History*, Vol. II., pp. 340, 374. *Tytler's History of Scotland*, Vol. III., pp. 14, 18.

³¹ *Acts Parl. Scot.*, Vol. I., pp. 188, 189. *Walsingham's History*, Vol. I., pp. 453-484; Vol. II., pp. 1-34. And *Pike's History of Crime in England*, Vol. I., pp. 327-338, 388, 394-397, 401-407.

³² *Burton's History of Scotland*, Vol. III., pp. 50, 51.

stles and grand hotels in their own country : what wasotland to do with them ? To find quarters for them all inlinburgh was utterly impossible. It was necessary to billetem out among the surrounding villages—Dunfermline,anbar, Kelso, Dalkeith, and other places were filled with theangers. They assumed airs of superiority, and began topropriate to themselves whatever suited them. But the Scots,or though they were, could not tolerate this ; and the Frenchights soon discovered to their astonishment that the people ofotland were hardly so submissive as the down-troddenasantry of France. The people rose against the foragingarties and cut them off. These knights took high ground, andersisted in doing in Scotland as they did at home. It becameecessary for parliament to interfere, and the Admiral came toa agreement by indenture. Here it is stated that no pillageis permitted in Scotland under pain of death, and everying received by the French troops was to be duly paid. Any soldier who killed another was to be hanged. If anyvant defied a gentleman, he was to lose his ears. If anyt arose between the French and the Scots, no appeal tons was allowed, but the ringleaders were to be arrested, andnished by a council of officers. No burning of churches,or ravishing and slaughter of women and children was to beffered.³³

The French, however, had the pleasure of a raid intoEngland, and of wasting Cumberland and Northumberland. Here, they said, they burned more than the value of all the townsScotland. But the French and Scotch modes of warfare were different that disputes arose between the leaders of theots and the admiral. The French commander insisted on meeting the English in battle and striking a blow at once ; theots knew that such an attempt would be disastrous. The dispute waxed warm, and the Frenchmen talked contemptuously

³³ *Acts Parl. Scot.*, Vol. I., pp. 190, 191.

of the spirit of their Scotch allies. They were only silenced by being taken to the top of a mountain, and shown the strength of the enemy.³⁴

After returning from the raid, the French prepared to go home. But the Scots would not allow them to depart until they had paid for the damages of the crops, the woods, and plundering in the markets. The admiral was obliged to agree to this; he undertook not to leave the country himself till the claims against his men were satisfied. Then the French were permitted to depart.³⁵

The war with England still continued. The Scots were pretty successful in carrying off plunder, owing to the distracted state of England, but their flying raids produced no great result, and it is unnecessary to detail them. In fact, it is simply the old story over again—of burning, and wasting, and appropriating the spoil, a process which always tended to heighten and intensify the animosity of the two populations.

Amid the surroundings and scenes which we have only briefly touched, it may be easily conceived that the internal state of the nation was not improving. The influence and power of the crown and the commons were exceedingly feeble; indeed, the domineering force of the nobles was constantly increasing, and producing the most wretched results. The age and infirmity of the king rendered it necessary for something to be done. His eldest son was lame and deemed unfit for public life; his second, the Earl of Fife, was chosen regent by parliament, in December, 1388, and the old king willingly retired from active interference with national affairs.³⁶ This Earl of Fife, afterwards known by the title of Duke of Albany, held the reins of government for many years, until his death.

A truce was concluded between France and England, 1389,

³⁴ Froissart's *History*, Vol. II., pp. 49, 52, 53, 55. 1842.

³⁵ *Ibid.*, pp. 55-57, and Tytler's *History of Scotland*, Vol. III., pp. 43, 44.

³⁶ *Acts Parl. Scot.*, Vol. I., pp. 191, 192.

nd it was accepted by Scotland and continued by renewals to 1399.⁸⁷ It came at last to cheer the last days of the old king, who had long earnestly wished for peace. Robert II. died in April, 1390, in the 74th year of his age, and was buried with his fathers at Scone.⁸⁸

⁸⁷ *Fœdera*, Vol. VII., p. 623, *et seq.* *Rotuli Scotia*, Vol. II., pp. 98, 105, 108,

⁸⁸ *Acts Parl. Scot.*, Vol. I., p. 69, Preface.

CHAPTER VIII.

NARRATIVE TO THE RETURN OF JAMES I.

ROBERT II. was succeeded by his oldest son John, the Earl of Carrick. This name, "King John," was extremely odious to the Scots, owing to its association with the hapless Baliol, and it was deemed best to crown the new king under the title of Robert III. He is represented as an amiable and discreet man, fond of peace; but he lacked the robustness and firmness of character to restrain the turbulent nobles.

The Earl of Fife continued to wield the chief authority in the state, and retained the name of governor. The Earl of Buchan, another brother of the king, ruled the northern parts of the kingdom with a ferocity which entitled him to be characterised as the Wolf of Badenoch.¹

Among other acts of oppression and cruelty, he took possession of some lands belonging to the Bishop of Moray. For this he was excommunicated; and he retaliated by advancing with a body of his followers to Elgin, and burnt the cathedral, the canonry, and the city.²

Shortly after this, the Wolf's natural son, Duncan Stewart, a worthy representative of his father, brought a body of his adherents across the mountains and plundered the Lowlands. He was met, in 1392, at Gasklune, by the landed gentry of the district, who collected to give him battle. But on this occasion he utterly defeated them.³

Tytler's *History of Scotland*, Vol. III., pp. 70-73.

² *Register Episco. Morav.*, pp. 204, 205, 348, 349, 376, 377, 381, 382.

Extracta Chron. Scotiæ, p. 203.

The government, in a general council at Perth, 1392, ordered Duncan Stewart and his accomplices to be put to the horn, for the slaughter of Walter Ogilvy and others.⁴ Whether Duncan was put to the horn or not, it is certain he was not much harmed, since we find him afterwards figuring as the Earl of Mar. The Scots nobles were always flying at each other's throats, and kept the country in a state of confusion.⁵

The feebleness of the crown, and the consequent lawlessness of the feudal aristocracy of Scotland, are the most striking features of this period, and they had reached a height which it is difficult for us to realise. It would, however, be a misconception and historically unjust to imagine that all the nobles were equally vicious and turbulent. But it is as a class, and the ruling one in the political and social aspect, that the historian must regard them. On this ground it is hardly possible to exaggerate the obstacles which they throw in the way of order and civilisation; or the amount of purposeless suffering thereby inflicted upon the nation. By this, I mean their feuds and brawls produced nothing but confusion and wretchedness.

The deplorable state of the land, and the misery of its inhabitants, cried aloud on every side. Parliament passed an act (1397), for the punishment of misdoers. It opens by declaring that continual burnings, harryings, and slaughters, were common throughout the country. It is then ordained that no man riding through the kingdom, lead with him more persons than he will make full payment for. It was common among those travelling with a retinue, to seize upon whatever they required without paying for it; and destroy and burn the property of the people besides. In future, any one committing such excessive acts, was to forfeit his life and goods. Every sheriff was enjoined to proclaim this statute, and find out and

⁴ *Acts Parl. Scot.*, Vol. I., pp. 217, 218.

⁵ *Tytler's History of Scotland*, Vol. III., pp. 75, 76. .

bring to trial all offenders, and execute punishment upon them.⁶ But this enactment produced little effect.

Again, a parliament held at Perth, January, 1398, asserts in the preamble to the acts that the misgovernment of the kingdom and the mal-administration of the laws must be imputed to the king and his officers. If, therefore, the king chose to excuse his own short-comings, he may then call his officers to whom he has given commission, and accuse them before the council of parliament, as no man ought to be condemned till he is called and accused.⁷ This statement has been noticed by our historians as an early instance of limiting the royal prerogative.⁸ But it seems to me, the chief misdoers were just the very men there and then concocting the statement in parliament. These, the great offenders, were pretty certain that it was beyond the power of the king to call them to account, or even to accuse them. Ample evidence of this will be immediately produced.

The king, instead of being in a position to accuse the principal defaulters and administrating officers, was entering into bands with the nobles for the defence of himself and his son and heir. In fact, the weak monarch was reduced to the extremity of purchasing the favour and countenance of the nobles. It is all very fine to talk about the graduation of rank and subordination of feudalism, but, unhappily, it existed only in the imagination of romancers and historians, who never pierced beneath the surface. The bands between the king and the nobles assumed the form of an annual grant of money, under the condition of their defending him and his oldest son in time of peace and war. The king thus bound himself to give away large sums to individual nobles for the whole period of their lives, and in some instances, of their children. The Duke of

⁶ *Acts Parl. Scot.*, Vol. I., p. 208.

⁷ *Ibid.*, p. 210.

⁸ Tytler's *History of Scotland*, Vol. III., p. 88. Burton's *History of Scotland*, Vol. III., p. 76. And the Preface to the *Acts of Parl.*, Vol. I., p. 10.

Albany, Lord Stewart of Brechin, Lord Murdoch Stewart, Sir John Montgomery, Sir William Lindsay, Sir William Stewart of Jedburgh, and others, were all parties to agreements of this kind with their king.⁹ So when the king was under the necessity of paying for the support and favour of the nobles, they were safe enough to tell him to call and accuse those to whom he had given commission.

This parliament announced that the infirmities of the king disqualified him for the government of the kingdom, and for suppressing trespassers and rebels. The Duke of Rothesay, the king's oldest son, was appointed lieutenant throughout the country for three years with full regal powers, and parliament nominated a council to assist him. He took the oath as his father had done at his coronation, to preserve the privileges of the holy church, to cause the laws and the loveable customs of the kingdom to be kept to the people, and punish and restrain all manslaughterers, rieviers, and other masterful misdoers; especially to put down all curst men and heretics, such as are thrust forth from the church. It is declared the new regent must not be hampered in the execution of his office by counter orders from the king, and if such should be given, they were to have no effect. All his acts as ruler were to be recorded with the date, place, and the names of those present, that it might be known on whom to fix responsibility.¹⁰

Various enactments were passed for bringing offenders to justice. The sheriffs were ordered to proclaim the laws—to search for and arrest vagabonds and ruffians, bind them over to appear and stand their trial at the next justice ayr. Those unable to find bail were immediately to be put before an assize, and, if found guilty, executed. Touching the highest offenders—those whom the sheriff and other officers of the crown cannot

⁹ Chamberlain's *Rolls*, Vol. II., pp. 197, 206, 207, 219, 281, 310, 332, 370,

⁹⁵ Tytler's *History of Scotland*, Vol. III., pp. 84, 85.

¹⁰ *Acts Parl. Scot.*, Vol. I., pp. 210, 211.

reach—they were to be publicly warned to appear and find bail and stand trial; all who disobeyed were to be put to the horn, and their lands and goods forfeited.¹¹ This class comprised the nobles and knights, the greatest offenders of all. The act lets us see that it was beyond the power of the crown to punish them. No officer of the crown could dare to arrest them. The only way of punishing them was by an armed force under the command of the king himself; actual war, in short, between the crown and its nominal vassals. Such was the outcome of that system of bastard feudalism, long regarded as above suspicion, and still glorified by some among us as the acme of legal and political wisdom.¹²

In 1399, the truce terminated, and the war recommenced on the borders. The Scots burst into the northern counties of England, and reaped a rich harvest of plunder.¹³ The English borderers, of course, retaliated, and the old mode of cruel and rough strife on both sides continued.

Henry IV. signalled the beginning of his reign by an invasion of Scotland. In 1400, he marched with his army to Leith, but it effected nothing of importance. After sending a message to King Robert, commanding him to come and give homage to his Lord Superior, which was treated with silent contempt, he returned to England. He was the last English king who led an army in person against Scotland; henceforth the game of absolute conquest seems to have been relinquished.¹⁴

Rothsay, the lieutenant of the kingdom and heir of the throne, was a reckless young man, impatient of control and opposition, yet open and courageous; not beyond hope of improvement had his life been spared till his powers attained

¹¹ *Acts Parl. Scot.*, pp. 211, 212.

¹² Burton's *History of Scotland*, Vol. III., pp. 95, 225, 226.

¹³ *Fœdera*, Vol. VIII., p. 162. Walsingham's *History*, Vol. II., p. 242.

¹⁴ *Fœdera*, Vol. VIII., pp. 157, 158. Walsingham's *History*, Vol. II., p. 246.

turity. His uncle Albany, the late governor, was an ambitious and unprincipled man, filled with a selfish cunning—cold, cruel, and pitiless. The position of the two made them the enemies of each other, for in those wretched times even the ties of kin and blood had lost their hold on the feelings of such a man. Albany formed a plot against the young and thoughtful prince, and he was little able to cope with his unscrupulous uncle. The Earl of Douglas and others joined Albany against the prince, and means were soon found for putting their black design into execution.¹⁵

The Bishop of St. Andrews died 1401, and it was customary at the castle of a deceased bishop to be occupied by the king until the election of another. Probably with some notion of this in his mind, Rothesay was going to take and occupy the Castle of St. Andrews. When within about a mile of it, he was arrested and sent to the Castle of Falkland. A few weeks afterwards, his body was removed for burial in the monastery of Lindores, and a report given out that he had died of dysentery.¹⁶ But public rumour loudly asserted that he had been murdered by the cruelest of all deaths—utter starvation. There was, of course, the usual farce of a parliamentary inquiry into the matter, to clear up and settle the popular rumours. The conclusion is set forth in a form which leaves little doubt that the poor prince was murdered. It is gravely stated that he died by the visitation of Divine Providence, and not otherwise. As for his capture and imprisonment, and death by the visitation of Providence, Albany, Douglas, and their assistants, are completely indemnified, and all persons strictly forbidden to spread these rumours against them.¹⁷

Doubtless the aged and unhappy king bitterly lamented the sad fate of his son, but he was wholly in the clutches of Albany and Douglas, and could do no more than sanction what

¹⁵ Tytler's *History of Scotland*, Vol. III., pp. 18-22.

¹⁶ Chamberlain's *Rolls*, Vol. II., p. 511. *Extracta Chron. Scotiæ*, p. 208.

¹⁷ *Acts Parl. Scot.*, Vol. I., pp. 220, 221.

they proposed. By the death of Rothesay, Albany resumed his old place as governor of the kingdom.

It was resolved that Prince James, a boy of fourteen, the king's remaining son, should be sent to France for safety and to complete his education. He sailed in the month of March, 1405, and when off Flamborough Head, he was captured by an English ship. Though a truce existed at the time between the two countries, the prince was conveyed to London and lodged in the Tower. When his guardians remonstrated, Henry IV. simply answered that he himself knew the French language, and his father could not have sent him to a better master.¹⁸

The Duke of Albany was not displeased at the capture of the prince ; it was even suspected that he had given a hint how to catch him. Amidst the distraction of the kingdom, torn by contending factions of its nobles and the domestic misfortunes of his family, Robert III. died on the 4th of April, 1406, after a reign of sixteen years.¹⁹

After the death of the king, the captive Prince James was recognised as the heir to the throne in a parliament at Perth, in the month of June, 1406. As the next in succession, Albany was chosen regent ;²⁰ and he continued as before to rule the kingdom.

In 1408, a significant event occurred, charged with a force which augured the dawn of a brighter day in the coming future. John Reseby, an Englishman, a follower of the doctrines of Wycliffe, came to Scotland for refuge from persecution. It seems he remained sometime unnoticed, but the novelty and boldness of his opinions aroused the suspicion of the church, and it was discovered that he taught the most damnable heresies. He was accordingly taken and tried before a council of the clergy, and convicted of forty heretical points. He was then given over to the civil power and burnt at Perth, together

¹⁸ *Extracta Chron. Scotiae*, p. 212. Walsingham's *History*, Vol. II., p. 272.

¹⁹ Tytler's *History of Scotland*, Vol. III., pp. 156, 157.

²⁰ Buchanan's *History of Scotland*, Book X., Chap. 15.

th his books and papers, which were thrown into the fire
ound him. This is the first instance of martyrdom for
ligious opinions recorded in our history. We are told by the
ronicler that the books and opinions of Wycliffe were enter-
ined by several Lollards in Scotland, but in great secrecy
rough the instigation of the devil. He also mentions that
ese persons are seldom or ever restored to the pure faith of
e Church, but die professing their errors.²¹

During the first few years of the 15th century the persecu-
on of the heretics in England was rather severe. Writs
or the arrest of Lollards were sent into every county,
nd many victims were given to the flames at the stake, and
thers suffered on the gallows.²² Nevertheless, the new opinions
onstantly gained ground. The scandalous lives of many of the
lignified clergy caused them and the church to fall more and
more in the estimation of the people. Herein lay the real
danger to the church and the ruling powers, and which by
contrast contributed to enhance the strength of the new opinions.
In this island it was never doubtful which would in the end
prevail.

On the borders the Scots continued gradually to press out
the English, who still occupied parts of the southern counties of
Scotland. The Castle of Jedburgh had been kept by the
English since 1346, but in 1409 they were driven out of it.

²¹ Fordun's *Scotichronicon*, Vol. II., pp. 441-443. 1775.

²² Walsingham's *History*, Vol. II., pp. 247, 252, 253, 282, 283. Pike's
History of Crime in England, Vol. I., pp. 344-346. Later in the century
instances of burning heretics were common enough in England. "In the year
1429, two priests, and a secular person, Lollards and heretics, were burnt in the
ity of Norwich and reduced to ashes." The names of these persons were Pye,
Vythe, and John Waddon. See John Amundesham's *Annals of St. Albain*,
Vol. I., p. 29. 1870. Again, "in 1432, a certain ribald, a tiler of Essex,
nd a Lollard, tainted with the leprosy of heresy, was burnt at Moldone".
ibid., p. 50. In 1431, a priest named Thomas Baglery, was burnt for heresy in
nithfield. *Ibid.*, p. 61. See also pp. 32, 59-64. It is pretty clear the
ollards were hard pressed in England during the first half of the 15th
ntury.

As this castle had proved more useful to the enemy than to the Scots, it was resolved to demolish it, and accordingly it was levelled to the ground.²³ About the same time Fass Castle was retaken. It was built on a rock projecting out from St. Abb's into the sea. After the districts around had been recovered by the Scots, it remained in the hands of the English governor, who set up on his own account, and levied contributions both by sea and land. He lived as a sort of freebooter and pirate, the scourge and terror of all the inhabitants within his reach.²⁴

The struggle of the different races and tribes in Scotland has been often mentioned in these pages, and the loose connection of the west and northern parts of the country to the central authority. The long war with England tended to weaken the crown, while it was exceedingly favourable to the growth of the lawless spirit among the nobles throughout the kingdom, and this, again, greatly crippled the efforts of the crown to extend its power over the mountain and island chiefs. In 1411 a great rebellion was projected by the Lord of the Isles. The immediate cause of it was a dispute about the earldom of Ross. Early in the 15th century this earldom fell to an heiress who took the veil and entered into a convent. Donald, the Lord of the Isles, was married to an aunt of this heiress, and he now claimed the earldom in right of his wife; but the government refused to recognise his claim, and declared the earldom to be the property of the Earl of Buchan.²⁵ Hence the rising of Donald and his followers.

There were, however, other causes of disaffection between the Highlanders and Lowlanders, though not exactly of the kind which some of our historians suppose. There was now one language spoken in the north and west, and another in the towns and some of the Lowland districts, while other specialities, and a long train of events and circumstances had gone to

²³ *Acts Parl. Scot.*, p. 71. Pref.

²⁴ Tytler's *History of Scotland*, Vol. III., pp. 168, 169.

²⁵ *The Sutherland Case*, Ch. V., Sect. 7. Haile.

intensify the antipathies, and greatly widened the diverging tendencies of the two populations.

Here it is necessary to limit the statement, and correct the misrepresentations of our latest historian. He says, "The days were long past when the Celt was a leader in civilisation. The Goth had now got far ahead of him. The ways of the two also differed in this wise, that it became the practice of the one to till the soil and enrich himself, while it became the practice of the other to live idly, and seize upon the riches of his Lowland neighbour when he could get at them."²⁶ Does the historian mean to assert that the Celtic people of Scotland did not till the land which they occupied? If this be his meaning, he maintains a ridiculous and utterly false position. There is evidence of various kinds that they were equally as industrious as the Goths, and have continued so to this day, in every quarter of the globe where their lot has been cast. He ought also to have remembered that the Goths, as he calls them, were not much burdened with nice ideas or feelings of honesty at the period under discussion. That the Celtic people were more addicted to thieving and plundering in the 14th and 15th centuries than the Lowland Scots, is an assumption which it would be hard to prove. Indeed, Dr. Burton adduces not a single shred of evidence of this. He, like many before him, views society too much from a fictitious and legal standpoint, which in fact never existed anywhere, so he often spends his efforts catching shadows and ideal images, instead of the real men and women, and thereby fails to grasp the grim realities of flesh and blood, and human existence.

In a reference to the Scots Acts of Parliament, he confounds the descriptive terms applied to the criminal class, and then assumes that all such offenders were Highlanders. Though the word *cateran* occurs in the acts in connection with masterful plunderers, it would just be as near the truth to say at once that

²⁶ Burton's *History of Scotland*, Vol. III., pp. 96, 97.

all the sorners and vagabonds in Scotland were Highlanders.²⁷ Hereafter this matter will be handled, when it will be seen whether all the idle and criminal population were Highlanders or not.

The historian's assertion about the uncivilised state of the Celtic people in the 15th century, is much on a par with his former one, that the Celts of Argyleshire in the 7th and 8th centuries were in advance of the rest of the population; both assumptions are equally destitute of ground to stand upon, and well calculated to mislead. It may be a grand thing, and exceedingly gratifying to the prejudices of some minds, to contemplate through the mists and fictions of ages, the enchanting glories of Gothic achievements, or the still higher refinement of the Norman, the pure and exalted deeds of chivalry and romance. Though, unfortunately, the vocation of the historian is not to feed delusions, but to exhibit the truth.

If the Celtic inhabitants remained longer in a comparatively rude state, it was mainly owing to the policy of the government. At the period under review, it would be difficult to tell in what respect the Goths of the Lowlands were so far ahead of the Celtic population of the Highlands. Which of them exhibited the highest culture in art? Had the one more mechanical skill than the other? Did the one know the use of money better than the other, or value it more highly as a mode of exchange? Again, was the domestic and social virtues more respected in the Lowlands than in the Highlands? If Dr. Burton had asked these questions, and attempted to answer them, he could hardly have made the sweeping assertions which he has done.

Speaking of the Celts, he says, "A system or science of succession, by which a woman or a child may succeed, and reign with as absolute certainty as a politic and hardy man, was a refinement of feudalism utterly out of their comprehension.

²⁷ *Acts Parl. Scot.*, Vol. I., pp. 186, 187. See Hume's *Comm. on the Crim. Laws Scot.*, Vol. II., pp. 846, 847, 851. Burton's *History of Scotland*, Vol. III., p. 97.

ith them the heir to any lapsed dignity or property was the longest man near it. He might be the son—he was often the other, when the son was too young to act. Above all, they tested the records and writings of the Saxons.”²⁸ All this is aside the point. He implies that a far higher and better system government and law was in operation in the Lowlands than in the Highlands. It is here that Dr. Burton commits the greatest unders. He represents the state of the Lowlands throughout too favourable a light. He touches gently, and only rarely the many dark spots and manifold shortcomings of the nobles, and never hints that violence and theft was a daily occurrence among them.

What was the mighty difference between the holders of power in the Highlands and the Lowlands? It is quite true, a child might succeed to the throne of Scotland, or the infant son of a noble to his father's property; but within the period of record, neither the one nor the other ruled in Scotland. During the minorities of all our kings, it was emphatically the strongest noble, or the strongest faction of nobles who ruled, so far as the kingdom got the doubtful benefit of anything of the sort. Robert II. and Robert III. reigned, but it could hardly be said that they ruled the kingdom. Here again it was Albany, and the Earl of Buchan, the most cunning man, or the dominant faction of the nobles who ruled the country. After all, then, in spite of the absolute certainty of the science of succession, whereby a child might reign, the actual result is the same. The difference, therefore, of the Highland and Lowland holders of power was merely one of form and nothing more.

The Highland chiefs retained a number of followers who might be called idlers, but the Lowland nobles did the same. Even the higher churchmen were surrounded with a host of adherents, who accompanied them wherever they went. Dr. Burton ignores this, and rants about an absolute science of

²⁸ *History of Scotland*, Vol. III., p. 226.

succession, strictly limited rights, and fine laws,²⁹ which were in operation nowhere at that time in Scotland.

Though there were feuds and private war among the Highlanders, there was plenty of this also among the Lowland nobles. If the Lords of the Isles sometimes entered into alliances with the English, many of the nobles again and again committed the same crime, sold their birthright, and assisted the enemy to trample down the nation. Turn where we may, we find the Lowland nobles continually plotting against the crown, or fighting with one another.

If the Highlanders showed a dislike to charters, they had good reason for it. It was by the dishonest use of those writings that the best and fairest parts of the country had been wrested from them. It is vain to plead that this was the result of advancing civilisation. A policy which issues in depriving the owners and occupiers of the soil, and gradually driving them to the barren wastes and mountains, can hardly expect to escape some of the consequences of its dishonesty and cruelty. It was therefore natural, and only what must inevitably happen, when at last the Celtic population began to regard the Lowlands as a fair field for plunder.

It is true, the Lord of the Isles' mode of making good his claim to the earldom of Ross was rather wild, but the Lowland nobles and gentry entered into many a scheme equally hellish. There was a rumour that Donald intended to conquer Scotland to the Tay. His force was reported to amount to ten thousand men. With this host he swept through Moray, crossed the Spey, marched through Strathbogie, and the Garioch, plundering all round, till he came to the hill of Benachie. There he chose his position and awaited his foes. The inhabitants of the district were greatly alarmed, and a force was collected under the command of the Earl of Mar, to stop the career of Donald.³⁰

²⁹ Burton's *History of Scotland*, 125, 225, 226, *et. seq.*

³⁰ Fordun's *Scotichronicon*, Vol. II., pp. 444, 445. *Extracta Chron. Scotie*, p. 215.

On the 24th of June, 1411, at Harlaw, on the moor edging up the Hill of Benachie the battle was fought. The Highlanders rushed with great fury upon Mar's line of battle, but his men stood the onset and fought bravely. The battle raged furiously, both sides contended with desperate obstinacy the whole day. Wave after wave of the Highlanders dashed against the enemies in rapid succession, and many fell, who there would have been in peace. Night put an end to the contest, for there was no victory on either side, but Donald's followers had suffered so severely, he found it necessary to retreat, and the Lowlanders reaped the advantages of a victory. Many of the gentry were slain. The Constable of Dundee, the Sheriff of Angus, Sir Alexander Irvine of Drum, and the Provost of Aberdeen, were among the fallen. This battle was long commemorated in the poetry and music of the North.³¹

But I cannot agree with Dr. Burton concerning the importance which he ascribes to the battle. "It will be difficult to convince those not familiar with the tone of feeling in Lowland Scotland at that time believe that the defeat of Donald of the Isles was felt as a more memorable deliverance even than that of Bannockburn. What it was to be subject to England the nation knew and disliked; to be subdued by their savage invasions of the mountains, opened to them sources of terror of their own character and extent."³² To compare this battle with Bannockburn seems ridiculous enough.

But by what means he has made himself so familiar with the tone of feeling in Lowland Scotland at the beginning of the 15th century, fairly passes my comprehension. If a conjecture might be hazarded, it would appear to be his own sense of feeling that the historian imputes to the people of that remote age. What the tone of feeling was in Lowland Scotland at that time need not be a great secret to anyone, though the

¹ Fordun's *Scotichronicon* Aytoun's *Ballads of Scotland*, Vol. I., pp. 64. Fordun's *Metrical Tales*, p. 229.

² *History of Scotland*, Vol. III., p. 102.

vagueness of the expression renders it something rather mysterious. A feeling of terror and horror at the thought of the approach of the Highlanders could hardly be so overwhelming. They had been for long living in the district of Mar, within a few miles of the city of Aberdeen, and the Earl of Mar, himself a member of the royal family, had only a few years before lived among these savages, and led them to battle. There is no evidence that he was anyway horrified, or that his nature had undergone any miraculous change, when it fell to his lot to lead the Lowland gentry at Harlaw. The fact is the one population was equally as savage as the other, deeds of blood and violence prevailed in every corner of the kingdom.

A truce was concluded with England, couched in strange terms. It was declared that from the river Spey in Scotland to the Mount of St. Michael in Cornwall, all hostilities between the two kingdoms should cease after the 17th May, 1412, for six years.³³

During the remaining years of Albany's government there is little worthy of record. He died at Stirling on the 3rd of September, 1419, at the great age of eighty.

Robert Stewart, Duke of Albany, had ruled Scotland for about thirty-four years, though his regency only extended to fourteen years. So well had he secured the interest of the aristocracy, that his son Murdoch quietly succeeded to the office of governor. Murdoch, however, fell short of the talents and ambition of his father. He had neither the energy nor the inclination to pursue a line of policy like his father; and the kingdom under him soon presented a scene of unbridled anarchy.³⁴

James, the captive prince, now began to make strenuous efforts to obtain his freedom. He was permitted to receive visits from his subjects, and in a short time he made his energy felt in the affairs of Scotland.³⁵

³³ *Fœdera*, Vol. VIII., p. 737.

³⁴ Tytler's *History of Scotland*, Vol. III., p. 192.

³⁵ *Fœdera*, Vol. X., pp. 166, 174, 227, 296.

negotiations were entered into for the release of the king, the treaty was finally concluded early in 1424. But the king of Scotland was bound to pay to England forty thousand pounds in annual sums of ten thousand marks for the maintenance of the king while a captive in England. It was agreed that James should marry the daughter of the Earl of Somerset, and a remission of ten thousand marks as her marriage portion. The marriage was celebrated at York amid great regal pomp. A truce for seven years was concluded.³⁶

When the arrangements for the king's return being completed, he sailed northwards, accompanied with many of his own men. He crossed the border on the first of April, 1424, and was heartily welcomed by the people. When they beheld the king, who had been so long a captive, once more among their warm hearts rejoiced, and they gave vent to their feelings in shouts of boisterous gladness.

dera, pp., 303, 331, 323. *Acts. Parl. Scot.*, Vol. I., pp. 227, 228.

CHAPTER IX.

REIGN OF JAMES I.

THE return of James I. marks an important epoch in the history of Scotland. He was crowned at Scone on the 21st of May, 1424. It quickly appeared that a man of energy and talent was at the head of the government. He at once set to work to curb the power of the aristocracy, but at first, cautiously felt his way and informed himself of the real state of the country. He assembled a Parliament at Perth, on the 26th May, 1424, and passed many acts, which will hereafter be noticed. But there was one directing the sheriffs throughout the country to enquire concerning the lands and rents, which belonged to the crown in the reign of David II., Robert II., and Robert III., and what had become of them. The act also declared, that the king if he choose might summon all and sundry of his tenants to show their charters and evidence, to see what lands lawfully pertains to them.¹ This act was pressed with a determination which soon convinced the nobles that they had at last found a master. They had long been accustomed to disregard every law that crossed their own purposes and interests, for once these unruly men had to deal with one who would suffer none of their pranks.

The king resolved at all hazards to humble the power of the nobles, as he rightly deemed them the source of much of the disorder in the nation. His plans for this were well conceived, and carried out with remarkable coolness and energy. He

¹ *Extracta Chron. Scotiæ*, p. 277. *Acts Parl. Scot.*, Vol. II., p. 4.

wed eight months to pass before he took another decided

Our historians have unanimously ascribed the reforms introduced by James I. to his English education, the examples which he there saw, and so on.² I have no intention of disputing this, but it is an unquestionable fact that James adopted measures which went beyond anything then in England. When, however, we attribute the best part of his policy to English science and practice, why not the other part also? It can hardly be doubted that James took a lesson from England how to despatch an enemy and opponent. The work which he soon put into his hand to bears an unmistakeable resemblance to what was going on around the throne of England.

On the 12th of March, 1425, parliament met at Perth. For many days it was occupied passing laws against the diffusion of seditious opinions, bands, and leagues, among the king's subjects. It also passed a reform of the hospitals, and the restoration of the lands of the church, which had been wrested from it, and illegally possessed, and an inquiry to see if the acts passed in the last parliament had been obeyed.³

On the ninth day a new and dumfounding scene was suddenly enacted. The king by one bold stroke arrested Murdoch, late governor, and Alexander Stewart, his second son, together with twenty-six of the chief nobles. At the same time the king seized the castles belonging to Albany, and many of those of the other nobles. Shortly before this the king had imprisoned Walter Stewart, the eldest son of Albany, and the Earl of Lennox, an old man.⁴ The parliament then adjourned to meet again within two months. These proceedings

² Burton's *History of Scotland*, Vol. III., pp. 108, 110. Tytler's *History of Scotland*, Vol. III., pp. 204, 206, 213, 262.

³ *Acts Parl. Scot.*, Vol. II. p. 7.

⁴ Fordun's *Scotichronicon* Vol. II., pp. 482, 483. Tytler's *History of Scotland*, Vol. III., p. 221.

astonished the Scotch aristocracy, and many of them began to quake for their lives and estates.

At Stirling, on the 24th of May, 1425, a court was held. It began with the trial of Walter, the oldest son of the Duke of Albany. The records of the trial are lost, and we have only the incomplete notices of it in the chronicles. Walter was tried for robbery, found guilty, condemned to death, and accordingly beheaded without delay.⁵

The next day the head of the family, the king's own cousin-german, Murdoch Stewart, Duke of Albany, his second son, and the aged Earl of Lennox were tried by the same jury. They were convicted and sentenced to death. All the three were publicly executed on Heading Hill before the Castle of Stirling. Albany and his sons were men of great stature and commanding presence, very popular among their followers, and their hard fate excited much commiseration in the hearts of the people.⁶ The terrible severity of the king, which flooded the scaffold with the blood of his own kindred and relations, cannot be justified on any principle of humanity. Nevertheless, apart from the feelings of revenge which the king may have had against the younger branch of the royal family, it is possible to see that he had another object. He probably intended to exhibit a striking and memorable example of stern justice before the eyes of an aristocracy long accustomed to regard the laws with contempt, and the authority of the crown as an empty name. He wished them to understand that a marked change had taken place in the government, that the irregularities which had hitherto been the rule, must henceforth be the exception. Unfortunately, however, he over-estimated his own powers, and failed to forecast the strength of the class, whose spirit he had aroused and outraged, and whose interests he had so roughly

⁵ Fordun's *Scotichronicon*, Vol. II., pp. 484, 485. *Extracta Chron. Scotiæ*, p. 228.

⁶ *Extracta Chron. Scotiæ*, p. 228. Tytler's *History of Scotland*, Vol. III., pp. 224, 225.

inged. From this moment the nobles resolved in their efforts to sacrifice him, whenever an opportunity occurred.

After these executions, it followed, as a matter of course, that large estates belonging to the family of Albany and the Earl of Lennox were forfeited to the crown.⁷ The rest of the nobles who had been imprisoned appear to have been liberated soon as Albany's doom was fixed. It seems their imprisonment was to prevent them from joining him, and cut off all hope of saving him.

In 1425, the king proclaimed his intention to grant a remission of any injury committed on person or property in the Lowlands, on the condition that the defaulters made reparation to the injured party, where the extent of the loss could be ascertained by a jury of the good men, who were to modify and settle the damages. But the Highlands was excepted, owing, it is said, to the prevalence there of robbery and slaughter before the reign of the king.⁸

The king, having restored order in the Lowlands, next directed his attention to the state of the Highlands and the Western Islands; and he summoned a parliament to meet at Inverness. In 1427, he assembled an armed force and proceeded to Inverness, summoned the Lord of the Isles and about fifty of the most notable chiefs to attend his parliament. From whatever motive they obeyed and attended, but they were instantly seized, ironed, and thrown into separate dungeons. It is noticeable on this occasion, as when Albany and the twenty-four nobles were imprisoned, that the king, notwithstanding his great talents, exhibited a low craftiness and duplicity very characteristic of the members of his dynasty. Several of the chiefs by the king's orders were immediately put to death; others were imprisoned in various places throughout the country, and of these a number were afterwards condemned

⁷ Tytler's *History of Scotland*, Vol. III., p. 227.

⁸ *Acts Parl. Scot.*, Vol. II., p. 8.

and executed, and the rest, against whom nothing could be proved, or rather those still alive after the king's vengeance was satisfied, were suffered to escape with their lives. The Lord of the Isles himself was liberated. He was related to the royal family, and, on making due submission, his life was spared.⁹

But Alexander, the Island lord, did not relish any part of the proceedings. Almost immediately after the departure of the king, he gathered his followers, attacked Inverness, and destroyed it. The king again put himself at the head of his army, and came upon the Highlanders in Lochaber, where Alexander and his adherents were quickly dispersed. This was sharply followed up by the king's troops, and the Lord of the Isles found himself hard pressed. At last he submitted, and threw himself upon the king's mercy, in 1429; and singular to tell his life was spared, but he was imprisoned in the Castle of Tantallon.¹⁰ After a few years' imprisonment, he was again liberated and restored to his lands and possessions.

The great aim of the policy of James I. was to render the higher nobles more dependent upon the crown; to restrain them from tyrannizing over the people; and to rule the kingdom through the collective wisdom of the three Estates, acting in conjunction with the executive power of the crown. He kept his parliament well at work. During his short reign, embracing only thirteen years, the Estates of the realm were assembled fifteen times,¹¹ and they passed about 160 distinct laws, which, with a few trifling exceptions, were all written in the language of the people. These acts are brief, incisive, and clearly expressed, offering an admirable contrast to the lengthy, limping, and obscure acts of more modern times.

Here I can only indicate the acts most directly bearing on

⁹ Fordun's *Scotichronicon*, Vol. II., pp. 488, 489. Tytler's *History of Scotland*, Vol. III., pp. 252, 253.

¹⁰ *Extracta Chron. Scotiæ*, p. 232. Fordun's *Scotichronicon*, Vol. II., pp. 489, 490.

¹¹ *Acts Parl. Scot.*, Vol. II., Chronological Table, pp. 3-6.

blic policy, the internal order of the state, and the administration of justice. Other enactments of this reign relating to police regulations, finance, commerce, and agriculture, will fall to be noticed, along with the complex elements of good and evil which affected the social organism throughout.

It was very properly laid down that all the subjects of the kingdom were to be governed by the king's laws and statutes, and not under any particular laws or spiritual privileges of other countries.¹² A notable attempt was made to give precision to the law of the kingdom. In 1426, it was thought expedient, and ordained by the king in parliament, that six wise and discreet men, those who knew the laws best, be chosen from each of the three estates, 'and, since fraud and guile ought to help no man, they shall examine the books of the law of this realm, and amend the laws that need amendment. They were enjoined to expunge all fraudulent and frivolous exceptions, so that no man might obtain an unjust judgment against his neighbours.'¹³

It is a primary requisite that the laws be made intelligible to the people, but especially to those who have to administer them. The king, therefore, with the consent of parliament, ordered that all the statutes and ordinances should be recorded in the king's register, and copies of them given to all the sheriffs throughout the kingdom. Each sheriff was then directed to publish and proclaim them in the chief town of the sheriffdom, and other public places, and also to give copies of them to the bishops, priors, and boroughs of barony, upon the expense of those who received them. The sheriffs were commanded to cause the tenor of the acts to be obeyed in town and country, and declare to the people their duty to obey them, so that no man might have any excuse to allege or pretend ignorance.¹⁴

It was also laid down that no man interpret the statutes

¹² *Acts Parl. Scot.*, Vol. II., p. 9.

¹³ *Ibid.*, p. 10.

¹⁴ *Ibid.*, p. 11.

otherwise than they bear, according to their intent and effect as understood by those who passed them. Regarding those coming to court with their causes, no man was to come with a multitude of armed folk, but simply accompanied by their counsel and forespeakers necessary for their cause.¹⁵

Another important step was taken to render the means more adequate to the end for the administration of justice to the people. The king instituted a high court known by the name of the Session, which was to sit three times in the year at whatever place the king may appoint. This court was to examine, conclude, and finally determine all and sundry complaints, causes, and quarrels, which might be decided before the king's council. The first session of the court to be held on the 30th of September, with continuation of days if necessary ; the second on the Monday of the first week of Lent ; and the third on the morning after the feast of St. John the Baptist.¹⁶

The equal administration of justice to all his subjects, especially to the commons and the poor, held a prominent place in the policy of James I. It was commanded that justice should be distributed in every part of the realm, to the poor as to the rich, without fraud or favour. " And if there be any poor creature that for want of cunning or dispense, can not, or may not follow his cause, the king, for the love of God, shall ordain that the judge before whom the cause should be determined provide and get a true and wise advocate to follow such a creature's cause, and if such cause be obtained, the wrongdoer shall pay the injured party and the advocate's expenses. And if the judge refuses to obey this law, then the party defrauded shall have recourse to the king, who shall so rigorously punish such a judge that he shall be an example to all others."¹⁷

Again, with a similar aim, it was enacted that no one would be allowed to practice in the king's courts, unless they were

¹⁵ *Acts Parl. Scot.*, Vol. II., p. 16.

¹⁶ *Ibid.*, p. 11.

¹⁷ *Ibid.*, p. 8.

to the justices and barons as persons of sufficient on for the office; while no judge or officer of justice the realm, nor any man who had indicted another for tion, should sit upon his jury, under a penalty of ten to the king.¹⁸

acts bearing on order, and the arrestment and punishment of criminals and misdoers are numerous. Open rebellion the king was proclaimed to entail the loss of life, and and goods. And various attempts were made to attach responsibility to all persons in authority throughout the m.¹⁹

s were passed relating to weights and measures, and were put forth to establish a standard throughout the . Very careful regulations were laid down for preventing extinguishing fires in the boroughs and towns. Every a was ordered to provide a number of ladders at the cost—six, seven, or eight, according to the extent of the and to have them always kept in convenient places ready ; three or four saws, and six or more iron clicks to draw the timber and roof at a fire. All these and many other rules were to be enforced under a penalty.²⁰

1429, a meeting of the Estates at Perth passed an act ; to the attendance of the small barons and freeholders, implied the principle of representation. The act states, e small barons and free tenants need not come to parlia- ' from each sheriffdom there be chosen at the head court more wise men, according to the extent of the sheriffdom, all be sent to parliament. The sheriffdoms of Kinross ackmannan, being small, were each to return one com- er. By these commissioners of the shires was to be a wise and expert man, to be the common speaker of the ent, and he was to bring forward all the needs and causes

Acts Parl. Scot., Vol. II., pp. 9, 10.

id., pp. 3, 4, 7, 8, 9, 13, 17-19, 20, 22, 23, 24.

id., p. 12.

of the commons in parliament. The commissioners were to have full power from the rest of the sheriffdom, to hear, treat, and finally determine all causes which come before parliament, and their expenses were to be paid off the shire by those who elected them.²¹ Such is the substance of the first attempt at a representation in Scotland. It is hardly necessary to say that the act completely failed.

From this hasty glance at the legislation, originated by the influence of James I., we are impressed with the wisdom and energy of his mind, and it should go far to atone for the severity and cruelty which he deemed it necessary to inflict on the nobles, to bring them and the people under the reign of order, and honesty, and peace. We are not, however, to suppose that the laws were strictly carried into effect, though his hand and presence at the head of the government for a time did much to strengthen them.

The one grand aim of James was to reduce the overgrown power of the nobles. He therefore struggled earnestly to bring the small barons and free tenants into power and influence, in fact, to raise the whole nation as a counterpoise to the higher nobles. The two issues involved were good government and order, or continual anarchy; the king fought boldly and bravely and ably for the first, the nobles fought for the second, and unhappily in a short time they proved successful.

The king found among the clergy the most enlightened men in the kingdom, and he enlisted their aid to carry out his scheme. But he was well aware of the real state of the church and monasteries. On the 8th of June, 1425, he sent a mandate to the Bishop of St. Andrews, commanding him to take immediate steps to recover the possessions of his see, which had been

²¹ *Acts Parl. Scot.*, Vol. II., p. 15. In those days the small barons and free tenants considered it a great hardship to attend parliament in person; it was not regarded then as an honour worth fighting and spending money for. No better contrast of the political feelings of these times and our own could be found.

ed by the greed and nepotism of his predecessors. The year he also addressed a remarkable letter to the abbots and s of the Benedictine and Augustine monasteries of Scotland, rting them to shake off their torpor and sloth, and set selves to restore their fallen discipline, and rekindle their ring fervour, that they might save their houses from the which menaced them.²² It seems that even then the ous orders were already corrupted.

he king was a fast friend of the church. In his parlia- s were passed several acts for upholding all the old leges of the Holy Church, and the ferreting out of heretics Lollards. It is distinctly stated that the secular power will ort and help the church in its mission of executing heretics.²³ n 1433, the church found a heretic, one Paul Cwarar, a mian. He was a physician, and came into Scotland with recommendations of his skill, but it soon became known he embraced every opportunity of sowing opinions ary to the received doctrine of the church. Cwarar was r by the Inquisitor of heresy, arraigned, confuted, and emned. Though he argued and defended his opinions with rkable clearness, that only made his conviction the more in. As he firmly refused to renounce his opinions, he was ght to the stake, and burnt at St. Andrews on the 23rd ly, 1433. It was recorded that he yielded up his life with fulness and resolution.²⁴

t seems plain he had made converts, and heresy was taking on some of the people of Scotland. The act of parliament st heretics and Lollards implies this. Cwarar's opinions not very startling, but in those days any free expression of on, however innocent, was deemed heresy, and denounced. consisted of such things as, the Bible should be freely

Acts Parl. Scot., Vol. II., pp. 24, 25. *Statuta Eccles. Scot.*, Vol. I., pp. 88-90.

Acts Parl. Scot., Vol. II., pp. 3, 7, 9.

Fordun's Scotichronicon, Vol. II., pp. 495, 496.

taught to the people, that the spiritual power should be subject to the civil, and that magistrates had a right to accuse, try, and punish offending churchmen. They considered purgatory a fable, the efficacy of pilgrimages an imposition, the power of the keys, the doctrine of transubstantiation, and the ceremonies of absolution—a delusion and a snare. They believed that less external show, and a more simple form of worship would come nearer the requirements of the Christian Scriptures.²⁵

The severe punishment which the king had inflicted on the Celtic inhabitants of the north and west was not followed by the peaceful results anticipated. In October, 1431, we find the king holding a parliament at Perth, and there imposing a tax upon the whole lands of the kingdom, to defray the expense of an expedition for resisting the king's rebels of the northern land. The king and his force proceeded to Dunstaffnage Castle, and many of the chiefs came there and submitted to him. Three hundred of the most noted offenders were taken, all of whom the king ordered to be immediately hanged.²⁶

Amid the bustle of all his affairs, the king never lost sight of his great aim, the reduction of the exorbitant power of the nobles. He now ventured to take an extremely bold step. In the Parliament at Perth, 1431, it was declared that Albany, the late governor of the realm, had no power to alienate any lands, which by the death of a bastard might have fallen to the crown, and on this ground, the grant of lands made to Adam Ker was of no avail.²⁷ In this manner the king felt his way, and prepared for a stroke of business.

The Earls of March had long been a source of great annoyance to the crown of Scotland. They belonged to the class of bastard nobles, who for more than two hundred years had done little else but inflict suffering on the people. They commanded

²⁵ Fordun's *Scotichronicon*, Vol. II., pp. 496-498.

²⁶ *Acts Parl. Scot.*, Vol. II., p. 20. Buchanan's *History*, B. X., Ch. 33.

²⁷ *Acts Parl. Scot.*, Vol. II., p. 20.

the important Castle of Dunbar, and held extensive estates in the south of the kingdom. In 1401 the Earl of March joined the English, and played the part of an unrelenting enemy in ravaging and sacking Scotland. He also fought against the Scots at the disastrous battle of Homildon, and there contributed to lay many a brave Scotsman in the dust. But in 1408, in keeping with the peculiar characteristics of his class, he returned to Scotland, and was restored to his estates by the Duke of Albany. He died in 1420 in possession of them.²⁸

His son, George, Earl of March, succeeded him. It was this man, with princely possessions, descended from such patriotic ancestors, that the king now resolved to humble. A parliament met at Perth in January, 1434-5, and at once proceeded to discuss the cause of the Earldom of March. The cause was debated on both sides. First touching the treason and forfeiture of the late Earl, and the consequent remission of his estates to the crown; and next, the position and claim of the son then in possession. The verdict of the judges was against the Earl, and all the estates of the Earldom of March were declared to be annexed to the crown.²⁹

In this way one of the most powerful nobles in the kingdom was swiftly reduced. The degraded man and his family retired to England. The Scots aristocracy were now thoroughly alarmed and enraged at the proceedings of the king. About the same time the Earl of Mar, the hero of Harlaw, died, and his estates reverted to the crown upon the ground of his bastardy.³⁰ The power of the king appeared to be rapidly increasing, but he had aroused the wrath of a class whose revenge was dark and terrible.

An infernal plot was formed for the destruction of the king. There are indications that he got hints of what was brewing.

²⁸ Tytler's *History of Scotland*, Vol. III., p. 287.

²⁹ *Acts Parl. Scot.*, Vol. II., pp. 22, 23.

³⁰ Fordun, Vol. II., p. 500.

but he had a fearless and energetic disposition, and paid little regard to them.³¹ The principal actors in this dismal plot were Walter Stewart, Earl of Athole, a son of Robert II, Robert Stewart, a grandson of Athole's, who at the time was chamberlain to the king, and Sir Robert Graham. It is said that Graham delivered a vehement speech in parliament, touching on the encroachments of the king upon the aristocracy, and to his face denounced him as a tyrant. Graham was banished, and his property forfeited to the crown. He retired to the Highlands, and there matured the scheme for the murder of the king.³²

Graham was a man of intelligence above the average of his class, but of an exceedingly hot temper, with passions and feelings of uncontrollable ferocity. He sent a letter to the king renouncing his allegiance, defying James as a tyrant who had ruined his family, and left himself houseless and landless. He therefore warned him, whenever he could find an opportunity, he would slay him as his mortal enemy. The king merely made proclamation for his apprehension, and fixed a sum of gold upon his head.³³

The naturally fearless spirit of the king soon caused him to forget the threats of Graham. It was still customary for the court to quarter on the rich religious houses, and the king resolved to hold his Christmas festivities at Perth, in the monastery of the Black Friars. He thus put himself unwittingly almost into the hands of his enemies. The monastery was near the hiding place of Graham, and a more suitable spot for the consummation of the plot could not have been found in the kingdom. The king, however, was enjoying himself, and little dreamt that he was encompassed by a set of assassins.

³¹ Tytler's *History of Scotland*, Vol. III., pp. 296, 297.

³² Contemporary account of the death of the King of Scots. App. to Pinkerton's *History of Scotland*, Vol. I., p. 462.

³³ *Ibid.*

Though the king had been warned of danger, he disregarded it. Even before he crossed the Forth, a Highland woman warned him if he crossed it he would never return alive. But the king was then full of spirit, and bent on pleasure, as it was time for it. Day after day was passed in revelry, though he was already doomed, and the very hour of his murder fixed.³⁴

It was on the night of the 20th February, 1437, that Graham and his associates resolved to commit their horrid and cruel deed. They went about their hellish work with great cunning and calmness. Sir Robert Stewart, the king's chamberlain, removed or destroyed the locks and bolts of the doors, rendering communication between the outer passage and rooms easy. The revels of the court on this evening were kept up till a late hour. The Earl of Athole, and his grandson the chamberlain, were the last to leave the apartment, and the man whom they knew was next to suffer. What can we say of these two dark and treacherous villains? They were threefold worse than Graham, for they enjoyed the confidence and shared the bounty of the king whom they so dastardly betrayed. The king now undressed, and fearing no evil, stood in his night-gown before the fire talking with the queen and the ladies of the bed-chamber, when all at once he was alarmed by the clang of arms, and the glare of torches in the outer court. The queen and the women rushed to secure the door of the apartment, but found that they had been tampered with, and the bolts removed. The king instantly saw that his destruction was imminent. The windows were next tried, but they were firmly secured by iron bars. Escape was impossible. The king had only women around him, and called to them to hold the entrance as long as possible. He seized the tongs, and wrenching up a flag, descended into the vault below.³⁵

The murderous ruffians rushed in wild fury through the

³⁴ Pinkerton's *History of Scotland*, Vol. I., p. 465.

³⁵ *Ibid.*, p. 468.

buildings. As they did not find the king, they began to fear that their victim had escaped. Indeed it seemed likely that the king's life would yet be saved, as the citizens of Perth were alarmed and hastening to the monastery. But one of the conspirators, Thomas Chambers, suspected what had happened, and immediately returned to the bed-chamber, and at once saw the floor had been newly broken. The flooring was instantly torn open, and their victim stood before them. The king was a strong man, unarmed and half naked as he was, he made a desperate resistance. Sir John Hall, who leapt down, he seized by the throat, and threw him under his feet; a brother of Hall's next descended and met the same fate; and he handled them both with such force, that they bore the marks of his grips to the scaffold. Graham now entered the chamber, sprang down with his drawn sword, and threw himself upon the king, who implored mercy, and begged his life. Graham charged him as a cruel tyrant who had never shown mercy to his own kindred, and should now receive none, and in an instant he thrust his sword through the king's body. There were sixteen wounds in his body when it was taken up.³⁶ Thus perished by the hands of atrocious villains the ablest king beyond comparison that ever sat upon the throne of Scotland.

The murderers having accomplished their deed, fled in haste from the monastery, and pursued by the aroused citizens of Perth, they escaped with difficulty, one of them being slain.³⁷ James I., though hated by the nobles, was popular among the people, to whom indeed he was the best of rulers. The chase after the murderers was so hot and well sustained that within a month the principal actors were all taken and executed. The records of their trials are lost, but we have ample evidence in the chronicles of the horrible modes in which they were put to death. The shocking tortures which were inflicted upon them

³⁶ Pinkerton's *History of Scotland*, Vol. I., pp. 469, 470.

³⁷ *Ibid.*, p. 471.

re too disgusting to be detailed here, and only exhibit the extreme ferocity of the times.³⁸

Sir Robert Stewart, the chamberlain, Thomas Chambers, and the Earl of Athole, were tortured to death in Edinburgh. Athole was crowned with a paper crown when he was tortured, and an iron crown was put upon his head after it was struck off, and stuck on the top of a spear in the High Street of Edinburgh. This pointed to the family's expectations of acceding to the throne. The traitor, Graham, after suffering the most cruel and prolonged torture, was beheaded at Stirling, along with a group of his associates,³⁹ and public revenge was at last appeased.

Some historians have thought if James I. had not been cut off he would have established a despotism.⁴⁰ Those entertaining this notion merely show their incapacity to grasp the natural current and scope of the history of Scotland. There never was any danger of the crown establishing a central despotism; in fact, the weakness of the crown was the scourge of the kingdom throughout. The natural barriers of the country, and the habits of the people, rendered any scheme of despotism utterly out of the question. Far, however, from seeking to establish any form of despotism, James I. certainly intended to govern the kingdom through his parliament. He was the first king who attempted to introduce the principle of representation in Scotland. A body of laws was passed in his short reign, such as will not be found in any period of the same length, before or since. He caused these laws to be recorded and proclaimed in the language of the people, and in many ways struggled hard to dispel the darkness of that barbarism and feudalism which had so long oppressed the nation, encouraged anarchy and confusion, destroyed order, and retarded all improvement.

³⁸ Pinkerton's *History of Scotland*, Vol. I., pp. 472-474.

³⁹ *Ibid.*

⁴⁰ Robertson's *History of Scotland*, Vol. I. Intro. Buckle's *History of Civilisation*, Vol. II., p. 206. 1861.

CHAPTER X.

NARRATIVE TO THE BATTLE OF FLODDEN.

THE assassination of James I. opened the succession to his son, a boy of six years. The young king was crowned at Edinburgh in the monastery of Holyrood, on the 25th of March, 1437, amid the applause of the clergy, the nobles, and the people.¹ The custody of the king and the care of his person was entrusted to his mother. The Earl of Douglas was appointed lieutenant of the kingdom.² As the government of the late king was extremely hostile to the nobles, they regarded his death with undisguised satisfaction. The tendency of his policy was to impress dependence on the institutions and laws of the kingdom, and set limits to the highest nobles in the land. To promote these objects, he brought into the offices of the state some of the lower gentry and clergy whose talents commended them. But his schemes, besides being in advance of the spirit of society, had now lost the advantage which his own presence and energy afforded. Accordingly, the government of Scotland soon fell into its old rickety form.

During the minority, to get possession of the king became the aim of the dominant faction of the nobles, so they were continually scheming and struggling to kidnap him. In the scramble for power at this time, two men came prominently out—Sir William Crichton, chancellor, and governor of Edinburgh Castle, and Sir Alexander Livingston of Callender. The details of their doings are of little interest by themselves, but their effects

¹ *Acts. Parl. Scot.*, Vol. II., p. 31.

² *Ibid.*, pp. 31, 32, 54.

on the nation were of the most vital description, resulting in blood, anarchy, and confusion.

The queen had sought refuge for herself and her boy in the castle of Edinburgh, but she soon found that there the young king was not safe. Crichton isolated the boy from his mother, and rendered all access to him very difficult. The queen, however, outwitted him, and safely conveyed her son to Stirling castle, where Sir Alexander Livingston commanded. This intensified the rivalry of Crichton and Livingston, and the latter seemed in a fair way to gain the ascendancy.³ The contest of the rival factions, as usual, increased the disorder of society, open robbery prevailed from one end of the country to the other.⁴

Fortunately, the English government was not in a position to harass Scotland. A truce was concluded between the two countries for a period of nine years. This truce also embraced stipulations concerning the commercial intercourse of the two kingdoms.⁵

In 1439, the queen married Sir James Stewart, the Black Knight of Lorn. Her motive probably was to gain more protection for herself. The marriage, however, did not issue in this. Livingston and his faction imprisoned the queen and her husband. Afterwards, Livingston obtained a remission for these acts⁶; but when the day of reckoning came it was of little avail. He kept the king, now a boy of nine years, in a sort of captivity at Stirling.

The Earl of Douglas, the most powerful man in Scotland, died in 1439. He was succeeded by his son, a youth of seventeen, and a rather assuming and arrogant fellow. He surrounded himself with a host of armed retainers, and scorned

³ Tytler's *History of Scotland*, Vol. IV., pp. 11, 12.

⁴ *Acts Parl. Scot.*, Vol. II., p. 32.

⁵ *Fœdera*, Vol. X., p. 695.

⁶ Stewart's *History of the Royal Family*, p. 171. *Acts Parl. Scot.*, Vol. II., 54, 55.

to appear at the court or parliament. Indeed, it was said, Douglas' own great council outstripped anything which the crown could command.⁷

The factions of Livingston and Crichton saw that their only hope lay in uniting together, and crushing the Earl of Douglas. To attack him openly might prove disastrous to them; it was therefore resolved to allure the somewhat thoughtless youth, and put him to death. He was invited with much show of courtesy to visit the young king in Edinburgh Castle, and so unsuspecting was the earl of any plot, that he brought his brother along with him. When on his way to Edinburgh, he halted at Crichton Castle, and was hospitably entertained by the cunning Chancellor. Thence he proceeded to Edinburgh Castle, there Livingston welcomed him at the gate, and introduced him to the young king. The youthful Earl of Douglas and his brother were now completely entrapped. They were both beheaded, and a few days afterwards, Malcolm Fleming, the earl's chief counsellor, was put to death. Whether there was the usual farce of a trial nothing remains to tell.⁸

Though the Earl of Douglas was executed, his lands were not forfeited to the crown. The power of the crown at that moment was not sufficient to seize the possessions of the head of the Douglas family. The adherents of the house were numerous, and strongly attached to the fortunes of their chief. This cruel blow, however, weakened the house, as its vast estates were partly divided. A portion of them went to a sister of the murdered man, and a grand-uncle succeeded to the greater part of the lands and the title. But, as the French possessions of the house were limited to male heirs in the direct line of descent, they reverted to the crown of France.⁹

The Earl of Douglas now in possession, is known in history

⁷ Pitscottie, pp. 24, 25. Tytler's *History of Scotland*, Vol. IV., pp. 30, 31.

⁸ Pitscottie, p. 25-28. Buchanan's *History of Scotland*, B. XI., Ch. 16, 17.

⁹ Burton's *History of Scotland*, Vol. III., p. 134.

James the Fat. He died in 1443. His son, William, who succeeded him, was a man of talents and towering ambition. His power soon became enormous, and utterly incompatible with order. Crichton and Livingston deemed it unsafe to oppose him. The kingdom presented a scene of turmoil, plundering, and confusion beyond description.¹⁰

To enhance his influence still more, and make himself completely master, the Earl of Douglas presented himself atirling Castle, and humbly besought admittance into the royal presence. Livingston had the custody of the king, and the request could not be refused. Douglas and Livingston now became friends, and Crichton at once saw that he must look to himself. The Earl of Douglas professed to be greatly distinguished by the favour of the young king, and assumed the title and powers of lieutenant-general of the kingdom.¹¹ He had got the ball at his foot, and he resolved to play the game.

Douglas called a parliament, and summoned Crichton and his adherents to attend and answer to a charge of high treason. Crichton answered the call of Douglas in real feudal form. He collected his vassals, and let them loose upon the lands of the Earl of Douglas, to plunder, and waste, and destroy them, which at once satisfied his own revenge, and gratified the pillaging propensities of his followers. The chancellor then retired to the castle of Edinburgh, and set his enemies at defiance.¹² There he held out so stoutly, that they were forced to come to terms with him.

At this time the Earl of Douglas obtained a divorce from his wife, and married his cousin, the Fair Maid of Galloway, thus again reuniting the dominions of his house.¹³ His power was rapidly increasing, and a struggle with the crown was

¹⁰ *Acts Parl. Scot.*, Vol. II., p. 33. *Tytler's History of Scotland*, Vol. IV., pp. 44, 45.

¹¹ *Auchinleck Chronicle*, p. 36. *Lesley's History of Scotland*, p. 17.

¹² *Pitscottie*, p. 32.

¹³ *Tytler's History of Scotland*, Vol. IV., pp. 48, 49.

becoming certain. He had many ways of augmenting his power, the most effective was by coalitions with other nobles on equal terms; his bond with the Earl of Crawford and Ross was of this nature. The bond was in the usual form, binding the parties to make common cause in all their quarrels against all enemies. This was a prevalent mode of attaching one another among the nobles and gentry of Scotland. But when the Douglas was dealing with smaller persons in his neighbourhood, his method was more sharp and direct. They were simply summoned to appear at the meetings where he presided, and if they failed to attend, they were swiftly brought to a sense of their folly.¹⁴

In 1449, the king married the daughter of the Duke of Gueldres. He had now reached his nineteenth year, and began to show energy and capacity. He seems to have relied much on the advice and experience of Crichton, the chancellor, and Bishop Kennedy.¹⁵

Douglas and his adherents were too strong for the king to attack him openly, and therefore the faction of the Livingstons was first crushed. This family, who had enriched themselves during the king's minority, with all their active associates, were swiftly taken and imprisoned and ruined. The head of the house, now an old man, had his life spared, but his property was confiscated to the crown. His son and several others of the faction were executed.¹⁶

The parliament which forfeited the Livingstons passed a number of acts and re-enacted others passed in the reign of James I., mostly bearing on the re-establishment of order throughout the kingdom. Some of them will be noticed elsewhere; but there were one or two with a special reference

¹⁴ Pitscottie, pp. 60-64. Balfour's *Annals of Scotland*, Vol. I., p. 173.

¹⁵ *Auchinleck Chronicle*, p. 41. Pinkerton's *History of Scotland*, Vol. I., p. 208.

¹⁶ *Auchinleck Chronicle*, p. 42.

the state of things during the king's minority. It was enacted that if any man—"as God forbid—commit treason against the king's person or his majesty, or rise in war against him, or lay violent hands upon him, whether he be young or old; all who reset, advise, or sustain any one convicted of treason, shall be punished as rebels". Again, "any man rebelling against the king's authority shall be punished according to the quality and quantity of the rebellion, by the advice of the three estates. Those openly revolted and making war upon the people, the king ought at once to go against them with all the force of the land, and inflict condign punishment."¹⁷ These acts indicate the absence of all respect for the law among the aristocracy. Indeed, in Scotland, the real battle of law and order and civilisation lay between the nobles on the one hand, and the crown with the peaceably disposed portion of the people on the other.

At this time efforts were made to strengthen the crown. A law was enacted, when those guilty of theft and robbery are men of such power that the Justiciar is unsafe to hold his court, or if the arm of the law put down the masterful wrongdoers, then it is to inform the king, who, with the assistance of his council, shall devise a remedy; and, that these daring offenders may not be placed upon their guard, the Justice Clerk is ordered not to reveal his action to any one whatever, or in any way alter the form of the process given to him, except it be for the advantage of the king, under the penalty of losing his office, his honour, and his goods.¹⁸

The outrageous acts of Douglas and his allies had at last raised the issue whether the head of this house or the king could reign in Scotland. Douglas kept up communications with leaders of parties in England and political persons abroad. In 1450 he set off on a pilgrimage to Rome, passing through France, attended by a train of his followers and surrounded

¹⁷ *Acts Parl. Scot.*, Vol. II., pp. 33-37.

¹⁸ *Ibid.*, pp. 36, 37.

with pomp. During his absence many complaints arose against the insolence and lawlessness of his dependents to whom he entrusted his authority. The king took the opportunity to inflict summary punishment on several of them, and levelled their strongholds with the ground.¹⁹

Douglas himself continued to assume a haughty attitude toward the king, and James and his councillors were extremely doubtful if they were strong enough to attack him openly. It was therefore resolved to try the effect of a personal interview. In the month of February, 1452, Douglas was invited to visit the king at Stirling Castle, and he complied with the request. It is said he had a safe conduct from the king, backed by the councillors and officers of the court.²⁰ He came with a small company, and was received by the king with apparent respect. He dined and supped with the royal party. After supper the king took Douglas aside, into an inner room, where they conversed together. One matter after another was touched on, when the question of the bonds with Crawford and Ross was broached. The talk waxed hot and hotter. Douglas would not consent to desert his allies. The king at last demanded that he should break the bands. Douglas said he would not. Then the king exclaimed, "This shall," and, drawing his dagger, twice stabbed his guest. The rest of the nobles at hand, with their characteristic ferocity, rushed upon the bleeding man and killed him outright. The window was opened, and the mangled body cast into the court below.²¹

There can be no justification or palliation of this murder by the king. It shows the ferocious passions of the age, and the poor respect entertained for human life. Perhaps the murder was not premeditated, as there was no preparation to meet its consequences. Indeed the king and his party had reason to

¹⁹ Buchanan's *History of Scotland*, B. XI., Ch. 32, 33. Tytler's *History of Scotland*, Vol. IV., pp. 85-88.

²⁰ *Auchinleck Chronicle*, pp. 46, 47.

²¹ *Ibid.*, p. 47. Pitcottie, pp. 64, 66.

or their own safety. The slaughtered earl had four sons then in Stirling. They collected all their followers at Stirling and surrounded the castle, but it was too strong for them ; however they gave vent to their feelings of contempt for the king's acts of defiance. The safe conduct was nailed to the castle and afterwards trailed through the streets of Stirling at the tail of an old horse ; then they spoiled and burned the castle and inflicted much injury on the inhabitants.²²

The rash act of the king had precipitated the crisis, and the war raged from the borders to Inverness. The struggle was desperate. For a time the king was hard pressed. The Earl of Huntly was made Lieutenant-General of the Kingdom, and trusted with the task of putting down the rebellion of the Earl of Crawford and Ross.²³ At the head of the loyal army, he came up to Crawford and his followers near Brechin. There they fought an obstinate battle. Crawford was defeated, and escaped to Finhaven Castle. Though beaten, he was but weakened, and continued to harass and attack all whom he considered his enemies.²⁴

At last he had to turn and deal with the Earl of Moray, who had invaded and wasted Strathbogie. He crossed the Spey, and entered into Moray, and retaliated by destroying one half of the town of Elgin. Thus the rebellion was quelled in the north.

In the south the war raged with unabated fury. The Earl of Douglas and his brothers openly defied the king, and destroyed on every side. At this time the Earl of Argyll, though a Douglas, joined the king. His kinsmen

an's *History of Scotland*, B. XI., Ch. 38. Pitscottie, p. 66.

History of Scotland, Vol. IV., p. 105. Though John, Lord of the Isles of Ross was leagued with Douglas and Crawford, he did not engage in the rebellion.—*Historical Records of the Family of Leslie*, Vol. I., p. 107, 1869.

Scottish Chronicle, p. 48. Pitscottie, pp. 67, 69.

History of Scotland, Vol. IV., p. 107.

looked on this as an unpardonable crime, and fell upon his possessions with extreme ferocity. Their power, however, was not equal to their cruelty; they failed to take the Castle of Dalkeith, the stronghold of the Earl of Angus, so they spent their wrath on the villages and farm houses of the people.²⁶

The king at last gathered a great army, and marched in person against the Earl of Douglas. Entering the territory of the enemy, he proceeded through Peeblesshire, Selkirk Forest, Dumfries, and Galloway. Douglas Castle was taken, and peace concluded with the rebel on the 24th of August, 1452. By this agreement the Earl binds himself to renounce his claim to the Earldom of Wigton and the lands of Stewarton, to abandon all feuds and quarrels which might arise out of recent events, renounce all illegal bands, and enter into none hereafter.²⁷

For all this, the struggle was not ended. Douglas soon showed his power by marrying his brother's widow, and once more united the territories of the family. It seems the king did not oppose this marriage, which of course required a Papal dispensation. At the same time Douglas entered into a league with the Yorkists of England, and conspired the overthrow of the Government and the Stewart dynasty.²⁸

An appeal to arms again became necessary. The king raised an army and marched into the lands of Douglas, besieged and took the Castle of Abercorn in Linlithgowshire. Douglas attempted to save his castle, but at this critical moment many of his followers deserted his standard, and he was afraid to risk a battle. Other castles of the rebel chief soon fell into the hands of the king. The Earl of Angus was appointed to the command of the royal troops, and he was thoroughly at feud with the older branch of the family, and many of the border clans joined him. The great Douglas made a last effort at

²⁶ Tytler's *History of Scotland*, Vol. IV., p. 107.

²⁷ *Ibid.*, pp. 401-403.

²⁸ *Rotuli Scot.*, Vol. II., p. 369. *Fœdera*, Vol. XI., p. 349. *Acts Parl. Scot.*, Vol. II., pp., 75, 77.

Arkinholm, where his followers were met and utterly defeated by the royal army under Angus. One of Douglas' brothers fell in the battle, another was taken and beheaded, and the earl himself had to fly to England.²⁹

On the 9th of June, 1455, parliament assembled at Edinburgh and passed an act of forfeiture against the Earl of Douglas, his mother the Countess of Douglas, his slain brother, the Earl of Moray, and John Douglas of Balveny. At the same time other three adherents of the Douglas were also forfeited. A great extent of territory and a number of castles thus fell into the hands of the king, and many lordships were given away during the remainder of his reign. The lion's share of the spoil, however, went to the Earl of Angus,³⁰ and in the next century that house became as troublesome to the crown as the Earl of Douglas had been.

This parliament attempted to secure the annexed lands to the crown. The acts declare that certain lordships and castles shall for ever remain with the crown, and given to no person whatever. Albeit, should it so happen that James II. or any of his successors—kings of Scotland—alienate any of the castles and lordships belonging to the crown, it shall be of no avail, it shall always be lawful for the reigning king to retake these lands whenever he chooses, without any process of law.³¹ This was not well kept, though some of our kings occasionally took advantage of it. On the whole, the possessions of the crown were always slipping off in one form or another.

Several acts were passed which aimed at the restriction of hereditary offices. The hereditary Wardenship of the Marches was to be abolished. The regalities fallen to the crown were to be annexed, and no new ones granted without the consent of parliament.³² It was now palpable enough that the powers

²⁹ *Auchinleck Chronicle*, pp. 53-54. Pinkerton's *History of Scotland*, Vol. I., Appendix, pp. 486-488.

³⁰ *Acts Parl. Scot.*, Vol. II., pp. 41, 42, 75.

³¹ *Ibid.*, p. 42.

³² *Ibid.*, p. 43.

attached to the regalities were working enormous mischief throughout the nation. A parliament at Edinburgh, 1457, passed many acts, and re-enacted one which ordered all the sheriffs and commissioners of boroughs to come to the Register Clerk, and cause to be copied all the statutes of this parliament, and proclaim them through all the shires and towns of the kingdom.³³

The internal state of England prevented any serious undertaking against Scotland. There was the usual raids on the borders, which led to no important result. Apart from any feeling for parties in England, the Scots had an object before them—to drive the English out of Scotland. They still held the town and Castle of Berwick, and the Castle of Roxburgh; and it was determined to lay siege to the latter.

This castle had been in the hands of the English for more than a century. It was very strong, and the defence was obstinate. The king of Scots was there himself to urge on the siege. This is the first time that we find clear notice of the use of artillery by the Scots. It appears the cannon were too large for the mechanical appliances of the time. One of these great guns, bought in Flanders by James I., was now brought to bear on the works of the castle. The king was eager to see the effect of the working of this gun, and, unfortunately, it cost him his life. The cannon was made of long bars of iron, girded with iron hoops, which were tightened by the rude device of strong wooden wedges driven under the hoops. We can easily see the cannon must have been an exceedingly unsafe arm to handle. So when it was discharged, the wedges were driven out. One of them struck and killed the king, and wounded the Earl of Angus, who stood near him. Thus fell James II., on the 3rd of August, 1460, at the early age of thirty.³⁴

The king's death did not stop the siege. The queen soon

³³ *Acts Parl. Scot.*, Vol. II., p. 52.

³⁴ *Extracta Chron. Scotiæ*, p. 243, 244. *Mair's History of Scotland*, p. 225. Pitcottie, p. 103.

appeared on the ground with her son, and urged the army to continue their efforts. The castle was taken and levelled with the ground, because it had been more serviceable to the enemy than to Scotland.³⁵

After the destruction of Roxburgh Castle, the young prince, James III., only eight years of age, was proclaimed at the town of Kelso. For several years the government was chiefly carried on by Bishop Kennedy, and there was comparative peace.³⁶ But he died on the 10th of May, 1466. This able man was related to the royal family, and his death was lamented by all peaceable men as a public calamity,³⁷ though before his death a party of the restless nobles were busy plotting.

A remarkable feature of the state of things during the minorities of our kings was the sudden rise of one or other of the families of the aristocracy to uncontrolled power, and their equally sudden fall. The Scots nobles were at no time very scrupulous about the means of attaining their ends. One of their modes was to kidnap the young king, and to effect this accomplices were necessary. Accordingly the Boyds entered into a bond to stand by one another. In it were the names of Lord Boyd, Lord Fleming, Lord Kennedy, Graham, Bishop of St. Andrews, Sir Alexander Boyd, the Earl of Crawford, Lord Montgomery, Lord Maxwell, Lord Livingston, Lord Hamilton, Lord Cathcart, and others of less note. The deed bears the date the 10th February, 1466.³⁸ This sort of bonds, as already mentioned, were very common among the Scotch aristocracy. When bound together by them, the nobles were often in a position to commit the most daring acts of lawlessness, plot the destruction of an enemy, and escape with impunity, and withal

³⁵ Lesley's *History of Scotland*.

³⁶ *Auchinleck Chronicle*, p. 58. Mair's *History of Scotland*, p. 326.

³⁷ Pitscottie, p. 108. Buchanan's *History of Scotland*, B. XII., Chs. 10-23.

³⁸ Tytler's *History of Scotland*, Vol. IV., App., pp. 404, 405.

prolong the reign of anarchy and cruelty. We will immediately see how the Boyds rose to supreme power.

On the 9th of July, 1466, when the chamberlain, Lord Livingston, a party to the bond, was holding his court at Linlithgow with the young king, Lord Boyd, with a number of his sworn friends, entered the court and bade the king accompany them to Edinburgh. The affair was so well pre-arranged, they did not require to use violence. As a matter of course the king went along with them. Lord Boyd and his associates were, however, aware that they committed treason; and to save themselves from its consequences, they procured an act of parliament in which the king is made to say that he accompanied Lord Boyd and the other knights of his own free will, and phrases are employed to declare that the king pardons everything connected with the matter which could possibly be construed into an offence.³⁹

The Boyds had gained their object, and at once proceeded to help themselves. Lord Boyd himself, the chief of the house, was appointed guardian of the king's person, governor of the royal castles, and High Justiciar of the kingdom.⁴⁰ He now ruled supreme, and the effects of it were soon manifested. The family speedily acquired vast tracts of territory. In 1467, Lord Boyd's eldest son was made Earl of Arran, and married to the king's sister.⁴¹

Affairs between the crowns of Denmark and Scotland, concerning the Western Islands and the Orkneys and Shetlands, came upon the scene. We have seen the Western Islands were conceded to Scotland in 1265, and an annual rent of 100 marks, payable by Scotland, was one of the terms of the treaty. This rent had not been regularly paid, and the arrears amounted to a considerable sum. Negotiations had been attempted

³⁹ Crawford's *Officers of State*, p. 473.

⁴⁰ *Acts Parl. Scot.*, Vol. II., p. 185. Tytler's *History of Scotland*, Vol. IV., p. 214.

⁴¹ Douglas's *Peerage*, Vol. II., p. 32.

e, but were abruptly closed by the death of James II. King of Denmark had a daughter, and it occurred to the that the best way of arranging the difficulties between two countries was to marry the king to the Danish princess. In July, 1468, parliament appointed commissioners to Denmark and contract a royal marriage.⁴²

The ambassadors concluded a treaty with King Christian, which he agreed to abandon his claims for the arrears of money on the Western Islands, and endow his daughter with 10,000 florins ; and of this sum he proposed to pay down 10,000 florins before she departed for Scotland, and to secure the other 10,000 on the Orkney Islands. He then bethought that with the exception of 2,000 florins immediately required for the balance might be secured on the Shetland Islands. The treaty thus adjusted was accepted.⁴³ As the money was paid, henceforth the Orkney and Shetland Islands belonged to the realm of Scotland.

Boyd, Earl of Arran, was one of the embassy who concluded the king's marriage, and brought home the bride. While at court, the enemies of his house had thoroughly undermined his power, and he found himself utterly deserted. His rise was rapid and his fall still more swift. As soon as the ships arrived in the Forth, Arran's wife warned him of his danger, and he immediately returned to Denmark, taking his wife along with him. Denmark, however, was not a safe place for an enemy of the King of Scots, and the fallen Arran was shortly divorced of his royal wife by a divorce. She was then married to the head of the family of Hamilton.⁴⁴ This house afterwards for many years held a high position in the kingdom.

The complete downfall of the Boyd faction, was quickly followed in the series of accomplished facts. In November, 1469,

Acts Parl. Scot., Vol. II., p. 90.

Burton's *History of Scotland*, Vol. III., pp. 161-166. *Proceedings of the Society of Antiquaries of Scotland*, Vol. X., pp. 315, 316.

Buchanan's *History of Scotland*, B. XII., Ch. 30.

the Boyds were tried before parliament for high treason. They were charged with the violent removal of the king from Linlithgow, and the degradation of the crown. It was pleaded in vain that this crime had been remitted by an act of the parliament of Scotland. The reply was, that such an act was of no avail, as it was extorted by the Boyds when they held the supreme power, and the king's person in durance. The head of the house, old Lord Boyd, after an idle effort at arms, fled to England, where he shortly after died. But his brother, Alexander Boyd, was condemned and executed on the Castle Hill of Edinburgh.⁴⁵

The estates and large districts even, which the Boyds had engrossed in their brief hour of power, is plainly shown by the local names in the act of their forfeiture. The lordship and Castle of Kilmarnock was the hereditary possession of the family, but we find in the list, the lordship of Bute, and the Castle of Rothesay, the lordship of Arran, the lordship of Cowal with its castle, the earldom of Carrick, the lordship of Stewarton, the barony of Renfrew with its lands and tenants, the land and Castle of Dundonald, and several others.⁴⁶ It has been well said that the Boyds could not have got hold of these extensive territories in so short a space of time, without making many enemies, and, in a word, committing many gross acts of injustice and heartless cruelty.⁴⁷ The case of the Boyds, however, though an extreme, is by no means an insulated one in our history. The same game was played during the minority of James II., and we will meet it again and again in active operation.

The parliament of 1469 passed many acts relating to the internal order of the kingdom. The administration of justice was deplorably defective. The sheriffs and other judges ordinary had failed to execute their office, or to minister justice

⁴⁵ Crawford's *Officers of State*, p. 316.

⁴⁶ *Acts Parl. Scot.*, Vol. II., pp. 186, 187.

⁴⁷ Burton's *History of Scotland*, Vol. III., p. 147.

to the poor. It was therefore ordained that the party complaining in any quarter of the kingdom, come first to his judge ordinary, as the steward, justice, sheriff, or the provost and bailie in boroughs, and make their complaint, and ask justice. And if he gets justice duly ministered and executed to him, he must remain content. But if the judge fails him, and will not minister justice, then he shall come to the king and his council, take letters and summon his party, and likewise his judge, and if the judge be found culpable, he shall be punished, and put from his office for a longer or shorter period, according to the discretion of the king and his council, and he shall pay the expense of the complainer, and the king shall cause justice to be administered to the complainer. And so on in the same strain attempts were made to redress the wrongs of the poor and the weak.⁴⁸

At the same time, murder and slaughter were declared to have been extremely rife during the king's minority. Many persons had committed slaughter, trusting to be defended through the immunity of the holy kirk and girth, had passed to and remained in sanctuary. Therefore, the parliament deemed it expedient for staunching of such slaughters hereafter, that the officers of justice be empowered to take manslaughterers who have fled to the sanctuary, and bring them to trial before a jury, and punish them according to their guilt.⁴⁹

The king was now in his eighteenth year, and married, and might have been expected that he would assume the responsibilities of his position. But, whatever his natural amplitudes were, his education was sadly neglected. Indeed, it could not have been otherwise, held in the hands of a faction of nobles, whose aim and interest it was to render him imbecile, that they might be enabled to prolong their own reign under the name and shadow of a king. James III. showed little capacity in the

⁴⁸ *Acts Parl. Scot.*, Vol. II., p. 94.

⁴⁹ *Ibid.*, pp. 95, 96.

government of the kingdom, and less disposition either to curb or to conciliate the nobles. It is true, he had a taste and feelings which in more peaceful times might have proved valuable to one at the head of affairs, but amid the society around him, such refinements only rendered him more helpless, and laid him at the feet of his ferocious aristocracy. His two brothers, the Duke of Albany and the Earl of Mar, were robust men, just the cast to gain favour among the fighting nobles and gentry.⁵⁰

From these, and other causes which it is needless to detail, the king came to regard his brothers as enemies. Mar died suddenly in the Castle of Craigmillar, murdered, it was said, at the instigation of the king. Albany was thrown into the Castle of Edinburgh, 1479, but he escaped and fled to France. It is, however, pretty certain that he had plotted to drive his brother from the throne and assume it himself. Proceedings in parliament were commenced against Albany, but his forfeiture was not concluded, the process was continued and kept hanging over him.⁵¹

The Duke of Albany soon came over to England, and in 1482, he entered into a treaty with the English government. By it he agreed to acknowledge the feudal superiority of England, so of course the King of England gave over the crown of Scotland to him under the title of Alexander IV. The new dabbled king promised to perform homage to his feudal master whenever he was put in possession. He then bound himself and his heirs to assist England in peace or war, and break off the old alliance with France. He also engaged to deliver into the hands of the English, the castle and town of Berwick, the Castle of Lochmaben, and the districts of Liddesdale, Eskdale, and Annandale.⁵² To rise in arms against the king was common

⁵⁰ Pitscottie, pp. 114, 115.

⁵¹ *Acts Parl. Scot.*, Vol. II., pp. 125-128, 129-132. Buchanan's *History of Scotland*, B. XII., Ch. 38.

⁵² *Fædera*, Vol. XII., pp. 156, 157.

but to contract with the old enemy was an inexpressible which the feeling of the nation could not endure. It leed that Albany dared not reveal in Scotland for his l it was well for him that it remained unknown to the

ard IV. now had the Duke of Albany as a competitor throne of Scotland. The old Earl of Douglas was still a England, a retainer of the crown, and there is evidence r Scotch nobles joining the scheme of Edward and

The Earl of Angus, Lord Gray, and Liddal of Halker- are implicated in these disgraceful transactions.⁵³

naturally at this time, the attitude of England and d became extremely menacing. In March, 1482, parlia- et to consider the situation. For once the decorum of on in the Scots Acts is forgotten, the Estates of the all King Edward, "the Riever Edward, styling himself

England". The Riever Edward 'had disregarded the on of the head of the church, broken faith with Scot- and entered it in a hostile manner, committing robbery, , and destruction upon the king's subjects. And it is

own that the Revier Edward, through burning avarice and false love of conquest, neither dreading God, nor the

of Christian blood, nor remembering that he was and sworn to keep the truce, but casting his loyalty and to the winds. He is assuredly set to continue this war, e has caused and begun, with all his power to invade royd, and as far as he can, conquer this kingdom. The

states, therefore, promised to abide by the king, and

him with all their substance, lands, and goods, and d him, his succession, and kingdom, and people, as their ers had always done.'

as deemed right to muster the whole armed force of the to resist the Riever Edward, and if he comes in person,

⁵³ Tytler's *History of Scotland*, Vol. IV., pp. 268, 269.

he shall be resisted by our sovereign lord in person, and with the whole body of the realm, to live or die in his defence.⁵⁴ These were brave words, we shall see how they were fulfilled.

In July, 1482, one of the largest armies ever gathered in Scotland mustered on the Boroughmuir near Edinburgh. With the king at its head it marched towards the borders. When they had reached the town of Lauder, their progress was interrupted by one of the tragic affairs which the Scotch aristocracy knew well how to act in the camp.

Some of the defects of the king's character were already noticed, and the chroniclers assert, that he preferred the society of musicians, artists, and mechanics, to that of the nobles. This neglect, of course, irritated the nobles, but it did not weaken them, and the moment had come when they resolved to show their wrath and power in a palpable style. The chief among the king's favourites was one Cochrane, a mason. He was intensely hated by the nobles, and against him they had many heavy charges. Among others he was accused of causing the death of Mar, and the banishment of the Duke of Albany, and of bringing demoniacal influences to bear upon the king. The mason was also blamed for debasing the coinage, and he had acquired great wealth; indeed, he is called Earl of Mar in the chronicles, and this probably was the greatest sore in the eyes of the nobles.⁵⁵

Cochrane was with the king, and had charge of the artillery. The nobles met in a church and determined to sweep off the king's favourites, and take himself into their own hands. While they were talking, a knock was heard at the door; it was Cochrane with a message from the king. The Earl of Angus seized and pulled the golden chain from his neck, saying a rope would befit him better. "My lords," said he, "is it jest or earnest?" He was told it was earnest, and he was quickly

⁵⁴ *Acts Parl. Scot.*, Vol. II., pp. 138, 139.

⁵⁵ Pitscottie, pp. 119-123. Buchanan's *History of Scotland*, B. XII., Ch. 46.

and a guard set over him. A party of armed men were immediately despatched to the king's tent. They instantly seized the king's musician, Rogers; and the rest of his favourites and servants were torn from the side of James. They were taken to the Bridge of Lauder, and, along with Cochrane, hanged over it before the king's eyes.⁵⁶

One of those put to death must have been punished for the sake of their humble birth, and the favour accorded by the king to their talents.⁵⁷ The nobles considered everything but war and fighting; they could hardly brook to employ men of such lowly origin and occupation as the shoemaker and the tailor. Indeed, the aristocracy had long struggled successfully to destroy all peaceful industry and honest employment.

After this business was finished, the nobles disbanded the army and left the southern parts of the kingdom a prey to the Scots. Berwick was re-taken by the English, and henceforth remained in their possession.⁵⁸

The king himself was held captive by the nobles, and confined in Edinburgh Castle. He was kept there a close prisoner for three months.⁵⁹ The old chroniclers were not aware of the secret influences and schemes of the aristocracy; nor of the king's agreements with the English crown; hence they often misapprehended the cause and motive of the movements of this principled actor.

The Duke of Albany with the English army came to Edinburgh. His aim unquestionably was to dethrone the king, and to place himself on to the throne. But, when he found that the unhappy king, prisoner as he was, had still some loyal and faithful adherents; and the danger of his agreements with

⁵⁶ Pinkerton's *History of Scotland*, Vol. I., p. 503. Lesley's *History of Scotland*, p. 48. Pitscottie, pp. 123-125.

⁵⁷ Tytler's *History of Scotland*, Vol. IV., pp. 273, 274.

⁵⁸ *Ibid.*, 274.

⁵⁹ Pinkerton's *History of Scotland*, Vol. I., pp. 108-111.

England becoming known, Albany saw that the issue of a direct contest was extremely doubtful. Though he might count on the support of a faction of the nobles, Albany knew well if the treaty with England reached the ears of the people, they would speedily drive him out of the country. In these circumstances the crafty Duke deemed a compromise the safest course. A partial reconciliation between him and his brother was effected; and, as Albany was the most active man of the two, he ruled for a short time.

Early in December, 1482, parliament met at Edinburgh, and under the control of Albany, passed a number of acts. The king is made to thank him for his deliverance from prison, and the adherents of Albany were rewarded for their assistance.⁶⁰ In fact, most of the acts passed by this parliament were concocted by the Duke and his friends, but the day of their power was cut short.

A few of Albany's acts, however, had an abiding influence, particularly the charters granted to Edinburgh. The provost, the council, and the community of Edinburgh, are lauded for their exertions in freeing the king from imprisonment, and they were rewarded with new privileges. One of these, was a right to the magistrates of sheriffdom within the borough boundaries for ever. Another charter in favour of the borough and the community gave, renewed, and confirmed to them, the customs of the port of Leith, and the road of Leith.⁶¹

The Duke still carried on his intrigues with the English government, and entered into new engagements. As they came to naught, it is needless to detail them.⁶² His treason at last became partly known in Scotland, and he found it necessary to retire to England. Before he went, he put the Castle of Dunbar into the hands of the English. On the 24th of June, 1483, his lands were forfeited by parliament, and also the estates of some

⁶⁰ *Acts Parl. Scot.*, Vol. II., pp. 142-145.

⁶¹ *Borough Records of Edinburgh*, Vol. I., pp. 43, 332. Pub. 1869.

⁶² *Fædera*, Vol. XII., pp. 173-175.

his adherents.⁶³ Albany afterwards passed to France, and we shall again meet with his son, after the fatal battle of Flodden.

For the next five years the king and the nobles were never reconciled. The nobles were still afraid that, if once the king were able, he would call them to account for their unwarrantable action at Lauder Bridge. They therefore continued to plot, and strengthen themselves by every means in their power, with the full intention of dethroning him.

During the progress of the conspiracy parliaments were assembled, and passed numerous laws, but they were little regarded. There were acts touching the dissension and disorder among the king's lords, barons, and people throughout the kingdom; acts concerning remissions, holding courts, the repression and punishment of crime; acts bearing on the affairs of the church, the Holy Father, and the purchase of benefices; acts relating to the currency, the commerce, and the herring fishery.⁶⁴ Yet all this was of no avail. That spirit of insubordination and craving for commotion which characterised the Scotch aristocracy, shot to its horns, and shook them in the face of the king.

At this time the civil broils and confusion in England rendered that nation comparatively harmless to its neighbour. In September, 1484, the truce was renewed, and projects of royal marriages arranged, which came to nought, owing to the change of kings in both countries.⁶⁵

The confederacy of the nobles against the king now assumed definite form. It had occurred to them that the king's son, a youth of sixteen, would serve their purpose admirably. Accordingly, the southern aristocracy invited or compelled the prince to join them, and rise in rebellion against his own father. They gathered together all their followers, and advanced upon Edinburgh, where the king was staying. The king crossed the Forth and passed into the northern counties, which were still loyal to

⁶³ *Acts Parl. Scot.*, Vol. II., pp. 147, 152.

⁶⁴ *Ibid.*, pp. 165-184.

⁶⁵ *Fœdera*, Vol. XII., pp. 236, 244.

him. There a strong force soon rallied round him. The king then marched on Stirling, but the governor of the castle had joined the rebels.⁶⁶

On the 28th of June, 1488, the two armies approached each other at a small brook called Sauchie Burn, between Bannockburn and Stirling. The rebels outnumbered the king's followers. The engagement which ensued seems to have been fiercely contested, but the king fled from the field; his horse threw him, and some one of the rebels came upon him, and slew the king outright. Thus fell James III., in the 35th year of his age, and 28th of his reign.⁶⁷ Another victim to the insatiable nobles. These men heeded not to corrupt and seduce a thoughtless youth, and array him in open battle against his own father. Here we see a set of men who neither regarded the ties of blood, nor the sacredness of paternal affection and domestic feeling, and in whom the least spark of quivering humanity seems utterly extinguished.

The cabal of nobles who gained the victory over the loyal party and the late king, at once proceeded to make themselves secure. They seized the government and divided its offices among themselves, and the chief castles and fortresses were immediately placed in the hands of their own adherents. They took possession of the money in the royal treasury, and on the day after the battle the border families of the Humes and the Hepburns were rewarded by grants.⁶⁸

A few days after the death of his father, the young king was crowned at Scone, amid the usual circumstance and ceremonies. The faction who held the reins of government and raised the new king to the throne, exerted themselves to pamper to his youthful feelings and rank propensities. James IV. early began to show an admiration for the fair sex. Before his father's

⁶⁶ *Acts Parl. Scot.*, Vol. II., p. 184. Pitscottie, pp. 138-141.

⁶⁷ Buchanan's *History of Scotland*, B. XII., Ch. 61. Pitscottie, pp. 141-142.

⁶⁸ Tytler's *History of Scotland*, Vol. IV., p. 339.

death, he had formed an attachment to Lady Drummond. His passion was now encouraged by the nobles around him. Presents were lavished on his mistress, shows and theatricals were got up for their special amusement, dances and masked balls at night, and hunting sports during the day. In this way did the nobles degrade the character of the king, by dissolving it in sensual pleasure.⁶⁹

The course adopted by the successful faction for the punishment of the loyal party exhibits much pertness and low cunning. Though they were themselves the real rebels, and certainly culpable of the king's death, they boldly assumed the name of loyalty and proclaimed their own innocence, casting all the odium on those who adhered to their allegiance. Their audacity was unbounded. They assembled a parliament at Edinburgh early in October, 1488, and issued summonses of reason against the Earl of Buchan, Lord Forbes, Lord Bothwell, and others, to abide their trial in parliament.⁷⁰

The parliament was pretty well attended. The Earl of Buchan appeared, and was pardoned. Lord Bothwell, Ross, the king's advocate, and others, were found guilty of treason, and their lands forfeited, upon the ground of their having attempted to degrade the crown, and bring the kingdom under the subjection of England. But if any one in Scotland had been guilty of such crimes, it certainly was the faction who put forward the young king; though they now took credit to themselves, and endeavoured to blacken the loyal people.⁷¹

A remarkable farce was next played. The parliament proceeded to investigate and discuss the cause of the rebellion. The aim of the faction was to throw dust in the eyes of the people. It is gravely set forth that the whole matter had been examined by the three Estates, and the parliament duly advised hereon, was unanimously of opinion that the slaughter in the

⁶⁹ Tytler's *History of Scotland*, p. 335, and Appendix, pp. 418-420.

⁷⁰ *Acts Parl. Scot.*, Vol. II., pp. 199, 201.

⁷¹ *Ibid.*, pp. 202-205.

field of Stirling, where the king's father was killed and divers of his barons, was to be ascribed wholly to the offences, falsehood, and deceit of him and his council. "That our king who now is, and the true lords and barons who were with him in the same field were innocent, quit, and free of the slaughter, battle, and pursuit, or of the occasion and cause of the same."⁷²

The party in power passed one humane act relating to the rebellion. They commanded that all the goods belonging to the poor unlanded folks, seized during the troubles, should be restored and delivered to them, and that the castles, houses, and lands which had been plundered or occupied, should be again put into the hands of their owners. Moreover, the heirs of those who fell in arms against the king in the battle of Stirling, were to be allowed to succeed to their estates and houses, notwithstanding the legal difficulty of their being slain while in a state of rebellion.⁷³

This paragraph makes it clear that the majority of the people were on the side of the fallen king, though the most of the aristocracy were against him. In such circumstances the people were comparatively powerless. An attempt was made; there was a rising in the west and the north against the government, but it was speedily put down.⁷⁴ The dominant faction was then allowed to run its course; yet, three years after the king's murder, the feelings of the people were not satisfied. The parliament in 1492 showed much anxiety about "the eschewing and ceasing of the heavy murmur and voice of the people, concerning the death and slaughter of our sovereign lords' father, whom God absolve, King James III. That the person or persons who put violent hands on him and slew him are not punished; as such persons when known should be punished according to their demerit". A reward of a hundred marks worth of land in fee and heritage was offered to anyone who

⁷² *Acts Parl. Scot.*, Vol. II., pp. 210, 211, 269, 270.

⁷³ *Ibid.*, pp. 209, 210.

⁷⁴ *Ibid.*, p. 223. Buchanan's *History of Scotland*, B. XIII., Cha. 4, 5.

reveal the doers of the deed. But there is a notable in the wording of the act, lest it might be used against who fought the king. The reward was only to be given if informant pointed out the person who slew the king "with hands"; this phrase is thrice repeated in the act.⁷⁵ The was never claimed, though probably the voice of the pointed to some one of the followers of the nobles, but it have been madness to give evidence against him in the required.

ly in this reign the disputes with the Court of Rome renewed. The general policy of the crown towards the of the Church for centuries had been to limit his inter- with the clergy of the kingdom. The right of disposal pointment to benefices was a fruitful source of dispute. IV. was a religious prince according to the estimation of . He was a canon of the cathedral of Glasgow,⁷⁶ and in ways exhibited fits of devotion.

1472 St. Andrews was raised to the rank of a Metro- See by a Papal bull. Patrick Graham was the first hop. But the rest of the Scots bishops were not at all al for the new dignity imparted to the national church. , they rose in wrath against the new archbishop, and drove him to distraction.⁷⁷ In 1488 the Pope granted Bishop of Glasgow, during his life, exemption from the ty of St. Andrews.⁷⁸ This did not satisfy the See of St. ; it aspired to equal rank and power. From motives of the king and parliament stoutly supported the claims of w. In January, 1489, parliament passed an act declaring

Acts Parl. Scot., Vol. II., p. 230.

Register Episcop. Glasg., Vol. II., pp. 465, 482. "His devotion was y. The religion of his father—a true Stuart in this as in other things is remarkable than the piety of his mother, Margaret of Denmark, whose s to have been such as to claim for her a place in the Kalender of the

Statuta Eccles. Scot., Vol. I., pp. 121, 122.

Nicholson's *History of Scotland*, B. XII., Chs. 33-35.

Statuta Eccles. Scot., Vol. I., p. 120.

that the honour and good of the realm required Glasgow to be erected into an archbishopric, with such privileges as accorded with the laws; at the same time denouncing every one in the kingdom who offered any opposition.⁷⁹ This statute was immediately sent to the Pope. And the king wrote letter after letter vehemently imploring the Pope, and remonstrating with him that the bishops of the famous church of Glasgow should be raised to the rank of an archbishopric. The king's desire was gratified. The Pope erected Glasgow an archbishopric, 1492, with the Bishops of Dunkeld, Dunblane, Galloway, and Argyle for its suffragans.⁸⁰

This compromise failed to satisfy the two rival bishops. Glasgow and St. Andrews carried on a bitter strife with each other, and disturbed the peace of the kingdom. In 1493 parliament passed an act commanding the two archbishops to cease their quarrels, and abide by whatever judgment the king and parliament should intimate to the Pope. They were warned, if they were not obedient to the deliverance of the king and parliament, that the king would order the people within the kingdom not to pay their rents and dues to them, nor allow any money to go out of the country to carry on their pleas at Rome.⁸¹ This for the moment stifled the angry discord; but it was soon renewed, and continued for nearly half a century.⁸²

When the king's bastard son, a boy of sixteen, was appointed to the archbishopric of St. Andrews, his affection was transferred from Glasgow, and lavished on St. Andrews. Throughout the rest of James' reign, he embraced every opportunity to extend the influence of his son, now the bishop of the Scots; until they both fell on the fatal field of Flodden.⁸³

The parliament of 1493 also commanded all the subjects of

⁷⁹ *Acts Parl. Scot.*, Vol. II., p. 213.

⁸⁰ *Statuta Eccles. Scot.*, Vol. I., pp. 121, 122.

⁸¹ *Acts Parl. Scot.*, Vol. II., pp. 232, 233.

⁸² *Statuta Eccles. Scot.*, Vol. I., pp. 128, 134.

⁸³ *Ibid.*, pp. 124, 125.

the realm who had pleas depending in the Court of Rome, to cease their litigation there, and come within the kingdom with them, and the king shall cause their cases to be dealt with according to the laws of the land. At the same time, the right of the king to present to all benefices in the patronage of the church, during vacancies of the bishops' sees, was renewed and enforced. And other acts were passed with the aim of withdrawing the appointment to the benefices of the monasteries from the Court of Rome. Indeed, the doom of treason was to be pronounced against those who attempted to take the rights of patronage which belonged to the crown to Rome.⁸⁴

Difficulties again arose with the Celtic population of the Highlands. The earldom of Ross was forfeited and annexed to the crown in 1475. John, Lord of the Isles, when deprived of the earldom of Ross, was created a lord of parliament in 1476; but afterwards he was outlawed and forfeited in 1493.⁸⁵ The old man soon after appeared before the king and surrendered. The outcome of these proceedings was that the local chiefs who were under the Lords of the Isles should now hold of the crown, as far as charters could effect this. The aim of the crown was to break up the independence of the Lords of the Isles, and destroy the centre of resistance, so that the individual heads of clans would then be easily kept down. After a fierce

⁸⁴ *Acts Parl. Scot.*, Vol. II., pp. 232, 233. The acts, however, were not obeyed. Again, parliament in 1496 passed another act, and renewed those already passed, with more severe penalties. It is declared, "for the honour of the kingdom and the good of the community, for eschewing of innumerable scathis daily incurred upon the realm and the people through the exorbitant cost and expense of kirkmen, by their purchasing at the Court of Rome benefices and elections, contrary to the acts of Parliament. Also by purchasing and bringing in of novelties and innovations into the kirk without the advice of the king, distraining the kingdom of money, putting the king and patrons out of their possessions. Hereafter, if anyone whatsoever go out of the realm on such business, without a licence from the king, they shall be proclaimed rebels, and put to the king's horn." *Acts Parl. Scot.*, Vol. II., pp. 237, 238.

⁸⁵ *Ibid.*, Vol. II., pp. 108, 111, 113, 189, 190. There is an account of the Earls of Ross and the Lords of the Isles in the first volume of the *Historical Records of the Family of Leslie*, published in 1866.

and protracted struggle the government succeeded. Henceforth, the Highland clans, though often exceedingly troublesome, were never united or able to offer any serious resistance to the crown of Scotland.

After this, had the government acted on fair and reasonable terms towards the chiefs of the Celtic population, there can be no doubt the people would have settled down into comparative quietness; but the unjust treatment to which the crown allowed them to be subjected naturally enraged them. The head of the Campbells of Argyle had long practised a policy of encroachment on the small clans and chiefs in his neighbourhood. By this time the head of that house had attained the rank of the Earl of Argyle. In the summer of 1503 all the charters granted by the king to the vassals of the Isles for the last five years were summarily revoked. The Earl of Argyle was appointed the king's lieutenant, and empowered to let the whole lordship of the Isles for three years. Accordingly, he at once proceeded to drive out the proprietors and their tenants from their lands, which were mostly appropriated by himself and the king's favourites.⁸⁶ It is not in human nature to submit to treatment of this sort. The Celtic people rose in rebellion; and a war of three years ensued. But we need not enter into its details.

As the Earl of Argyle acted in the western region and Islands, so the Earl of Huntly acted in the north. Since the middle of the 15th century this house had rapidly risen to the front rank of the Scotch nobles. The Earl of Huntly was now made Sheriff of Inverness, which included also the districts of Ross and Caithness. This wide territory was handed over to a local noble, nominally the servant of the crown; but in fact, as subsequent history shows, almost independent. Ample powers were given by the government to Huntly. He was directed to drive out "all broken men" from the forfeited lands of the Highland chiefs, and let the lands for five years to tenants who

⁸⁶ Gregory's *History of the Highlands and Islands*, pp. 94, 96.

would be true men. More questionable measures and morearchical were taken by the government.⁸⁷

Touching Maclane of Louchboy, great Macleod, Macneil of Barra, and others named, who were all forfeited by parliament in 1503, this parliament and the king now proclaimed—"if any one apprehend and bring to the king any of these head men they shall have the half of their lands, and if they take and bring to the king any other head men, or any Highlandman whatever connected with the rebellion, they shall be rewarded therefore, according to the value of the land and goods of the person taken".⁸⁸

By such cruel and heartless means the government of the day endeavoured to break the necks and exterminate the Celtic inhabitants of the country. I again repeat what I said before—when the people were driven out of their houses and the home of their fathers, where could they go? It need surprise no one that this landless and houseless population retaliated on their oppressors by acts of robbery and pillage. What other course was open to them in the circumstances it is hard to conceive. In those days, when a multitude of people were expelled from their holdings and cast upon the world, where could they find honest employment? Not in the boroughs and villages where the strictest monopoly everywhere prevailed. Unless, therefore, they chose to be the slaves of their despoilers, or leave the country altogether, the only alternative was just to betake themselves to the habit of plundering their enemies who had deprived them of everything.

During this reign the relations of Scotland began to be more interwoven with the other kingdoms of Europe. Spain, then in the zenith of its glory and power, had an ambassador at the court of Scotland. She was forming a league to humble France, and desired to sever Scotland and her old ally.⁸⁹ In this, however, Spain failed, when the hour of trial came.

⁸⁷ *Acts Parl. Scot.*, Vol. II., pp. 240-242, 247-250.

⁸⁸ *Ibid.*, p. 248.

⁸⁹ *Burton's History of Scotland*, Vol. III., pp. 213, 218.

The internal state of England still kept her a pretty quiet neighbour, though incidents show, if she had been able to inflict injury, the inclination was not absent. A truce was concluded between the two countries for seven years, 1497. It was afterwards extended to continue during the lives of the two kings, and one year after the death of the survivor.⁹⁰ Negotiations had begun in 1495 for the marriage of Henry VII.'s daughter with the King of Scotland. After much diplomacy, the treaty of marriage between King James and the princess Margaret of England was concluded in January, 1502.⁹¹

On the 8th of August, 1502, the marriage of King James and the English princess was celebrated in the chapel of Holyrood amid the rejoicing of the people. There had been royal marriages before between England and Scotland, but the grand result anxiously desired had not ensued. A hundred years later the issue of this marriage united the crowns of both kingdoms.

For a long time there had been little war with England, and the effects of this were seen in the growing prosperity of the country. It is said the king interested himself in the building of ships, and there is evidence that Scotland had made some progress as a naval power. One vessel, built for the king, was a marvel in her day. She was 240 feet long, 39 feet broad within the walls, and the hull 10 feet thick of solid oak. She cost £40,000 before she was ready for action. She was equipped with 300 mariners, 120 gunners, and 1000 fighting men, with their captains, skippers, and quarter-masters.⁹²

But the growth of a shipping power in Scotland was soon checked by the greater resources of England. In foreign commerce, Scotland was hardly permitted to raise her head till after the Union. Her activity in the shipbuilding and trading department at the beginning of the 16th century was possible, owing to the enfeebled state of England, entailed by the War

⁹⁰ *Fœdera*, Vol. XII., p. 572.

⁹¹ *Ibid.*, pp. 776-792.

⁹² *Pitcottie*, pp. 167, 168.

f the Roses. That there was little foreign commerce among the Scots during the next two centuries was mainly due to the pressure of external circumstances; the amplitude of the people themselves in this region of activity is unquestionable. Though its development was early begun, and favoured by the internal aspects of the country, nevertheless it was long retarded by the alien influences just noted.

Henry VII. died 1509, and Scotland lost a friend and quiet neighbour. His son, who succeeded, was a very different personage. Soon after his accession to the throne, the strife again began. Disputes arose about the seizure of ships belonging to Scotland, while it was alleged, and probably truly, that the Scottish captains sometimes acted the pirate themselves.⁹³ Indeed, the broad and clear line between piracy and honest carrying, which has been long familiar to us, hardly then existed in men's minds.

Other disputes started up. James IV. demanded the money and jewels which his wife should have inherited from her father. But more potent influences were in active operation. England was entering into a war with France, and Scotland was to take the side of her old ally.

In the summer of 1513 the king ordered the feudal force over the country to meet at the Borough Muir of Edinburgh; and, though the war was unpopular, it is said 100,000 men assembled.⁹⁴ Various influences were brought to bear upon the king to turn him from his purpose, but in vain—he was inexorably bent on war. James IV. was exceedingly headstrong, and brave to rashness; but certainly it was unwise to engage in a war with England.

The king and his army marched towards the border, and crossed the Tweed on the 22nd of August, 1513. Much time was lost in taking a few border castles, instead of moving forward and striking a blow before the enemy was prepared to

⁹³ Buchanan's *History of Scotland*, B. XIII., Ch. 28.

⁹⁴ Pitscottie, pp. 172, 178.

offer any serious resistance. This delay soon told strength of the Scotch. The feudal force was not like an army—it was only obliged to serve for a limited time, and also to find their own provisions, and when these ran short they were apt to scatter in search of more, and then to return. Thus the great army which went forth with James was rapidly melting away.⁹⁵ The king disregarded the advice of the most experienced men in Scotland, persisted in his own notions, and allowed the enemy to take every advantage.⁹⁶

The battle of Flodden was fought on the 9th of September 1513. The king, instead of acting as a commander, fought with his own hand in front of the centre. His idea was to have a regular stand-up battle. Though he fought with a surpassing spirit and bravery, it was of little avail; it only increased the slaughter, as the nobles and the flower of the army gathered round him, and fell in a hand-to-hand combat with the enemy. On the Scotch side there was no general retreat—it was close and hard fighting, and the inevitable result was an enormous slaughter.

The loss of the Scots was lamentable. Upward of 15,000 men were left upon the fatal field—among them James himself, and his natural son, the Bishop of St. Andrews, and others of the clergy. Twelve earls, and fifteen lords of clans were slain. Indeed, there was hardly a noble of any note in the kingdom but lost some of it. Such was the disastrous battle of Flodden, which marked the nation of its king, most of its nobles, and many of its sons; and with it we close the early and middle political history.

⁹⁵ Buchanan's *History of Scotland*, B. XIII., Ch. 32.

⁹⁶ *Ibid.*, Chs. 33-36.

⁹⁷ Pinkerton's *History of Scotland*, Vol. II., pp. 103-104.

CHAPTER XI.

THE SOCIAL AND RELIGIOUS CONDITION OF THE NATION IN THE 14TH AND 15TH CENTURIES.

IN a foregoing chapter a brief notice was given of the king's council, and the matters which usually came before it. Our kings hardly ever acted solely on their own authority. The parliament of Scotland, like all political institutions, arose gradually, it did not spring up full blown in a day ; hence it is vain to expect to find the date of its origin. As we have seen, our kings held councils and meetings in the 12th and 13th centuries, but they were not called parliaments till about the end of this period. It is uncertain whether the representatives of the boroughs sat in these early assemblies or not, nor is it of much importance, because we know the boroughs had a political position of their own, apart from the meetings of the nobles and the churchmen, with the king. This was the Court of the Four Boroughs.

The assemblies of the 12th and 13th centuries contained the elements which eventually developed into a parliament. The meeting at Brigham, 1289, is the first one called a parliament. One of the stipulations of the treaty there concluded was that no parliament should be held out of Scotland touching on Scotch affairs. The persons composing this assembly were the four guardians of Scotland, ten bishops, twenty-three abbots, eleven priors, twelve earls, and forty-eight barons. There is no mention of the Commissioners of the Four Boroughs.¹ John Baliol held a meeting at Scone, 1292, and another at Stirling, 1293, and both are called parliaments in

¹ *Acts Parl. Scot.*, Vol. I., pp. 85, 86.

the record.² From this date the term was freely used for all assemblies of a national and legislative character. A parliament at Dunfermline, 1295, ratified the treaty between Baliol and the King of France, when the bishops, earls, barons, and six of the boroughs—Aberdeen, Perth, Stirling, Edinburgh, Roxburgh, and Berwick—put their seals to it.³ It is, however, uncertain whether the Commissioners of the Boroughs were present in parliament, or if their consent was obtained in some other way. William Wallace, Guardian of Scotland, and leader of its army, granted a charter to the Constable of Dundee, in the name of the king, and by consent of the nobles of the realm.⁴

Robert Bruce held a parliament at St. Andrews on the 16th of March, 1308, when a letter to the King of France was dictated. This time the members style themselves, "earls, barons, communities of all the earldoms, also the barons of Argyle and Torchegall, and the inhabitants of the whole kingdom".⁵ Shortly after Bannockburn a change of style is introduced. In the parliament at Ayr, 1315, we find the heads of the communities affixing their seals to the deeds,⁶ and, finally, in the parliament at Cambuskenneth, 1326, there is unmistakable evidence of the Commissioners of the Boroughs. This parliament voted a supply to meet the cost of the War of Independence.⁷ Henceforth, the delegates of the boroughs constituted the third Estate of the National Assembly.

Throughout the disorderly period of the minority of David II. few parliaments assembled of which there is any record. But after his return from captivity several parliaments were held, of which records remain. Much power fell into the hands

² *Acts Parl. Scot.*, pp. 89-92.

³ *Ibid.*, pp. 95-97.

⁴ *Ibid.*, pp. 97, 98, and *National MSS.*, Vol. I.

⁵ *Acts Parl. Scot.*, Vol. I., p. 99. "The clergy seem to have acted separately." Innes' *Legal Antiquities*, p. 103. My opinion is that they had not yet openly sided with Bruce.

⁶ *Acts Parl. Scot.*, Vol. I., pp. 104, 105.

⁷ *Ibid.*, pp. 115, 116.

the parliament during this reign. It entered into the details of the coinage and the currency⁸; it directed the administration of justice, and endeavoured to regulate the police of the distracted country.⁹ It assumed the right to dictate terms of peace with a foreign kingdom, and directly controlled the king himself in his expenditure and economy.¹⁰ This interference with the executive arose partly from the confused ideas and circumstances of the times, and partly from the unworthy proceedings of the king himself—his inclination to promote the interests of the crown of England, which were degrading to the credit and independence of the nation.

In the 14th century the small landholders considered it a great hardship to attend parliament; the days were far off ere it was esteemed an honour to sit there. As yet, we have already seen, there was no system of representation in Scotland.¹¹ From this probably sprang some of the peculiarities in the mode of conducting the business before parliament. The record of the meeting of the Estates, 1367, sets forth that, as it was held in autumn certain persons were elected to hold the parliament, and permission given to the rest of the members to return home and attend their own affairs.¹² Another parliament at Perth, the next year in the month of March, explains that owing to the inconvenience of the season, and the dearth of provisions, a smaller number of persons were chosen to hold the parliament; they were divided into two committees, one for the general affairs of the nation, the other to sit on appeals from the inferior courts.¹³ Again, a parliament at Perth, 1369, appointed two committees, one for appeals and complaints which ought to be decided in parliament, the other to treat on special matters relating to the king and the kingdom, before they were brought under the notice of the full parliament, as it was deemed

⁸ *Acts Parl. Scot.*, pp. 139-144.

⁹ *Ibid.*, pp. 134, 140, 145.

¹⁰ *Ibid.*, pp. 134, 135, 138, 139, 145.

¹¹ See before, p. 371.

¹² *Acts Parl. Scot.*, Vol. I., p. 143.

¹³ *Ibid.*, p. 148.

inexpedient that the whole body should assist in a deliberation of this kind, or be kept in attendance.¹⁴

Here we see the origin of two peculiarities of the Scotch parliament, the institution known by the name of the Lords of the Articles, and the Judicial Committee. In the 15th century this Committee appears under the name of the Lords of Session, and sometimes as the Lords Auditors of causes and complaints. After passing through various modifications, it finally terminated in the Supreme Court of Session, in the reign of James V.

Attempts were made in the reigns of James I. and James II. to establish a court of supreme civil jurisdiction, but they failed.¹⁵ Each parliament continued to appoint its own Judicial Committee, and it exercised an appellant jurisdiction, as well as decided cases in the first instance.¹⁶ The proceedings of this Judicial Committee, and the contemporaneous proceedings of the Lords of the Council, for the latter part of the 15th century, have been published.¹⁷ They are the earliest reported law cases now existing, and they contain a mass of social information exceedingly valuable to the historian. Rude as the procedure appears to us, there is a marked improvement, compared with the trial by ordeal. Trial by jury is the distinctive feature of these courts. Though the mode of taking evidence was still crude and testimony allowed on a principle now inadmissible, nevertheless there is a striking advance before the end of the 15th century as contrasted with the 13th.

Touching the constitution of the Lords of the Articles, it was simply a select committee consisting of a proportional number from each Estate, the clergy, the barons, and the burgesses, to whom the chief offices of the State were joined. Its purpose was to arrange and bring forward the acts for the consideration of the full parliament, where they were finally passed. It has

¹⁴ *Acts Parl. Scot.*, pp. 149, 150.

¹⁵ *Ibid.*, Vol. II., pp. 11, 47, 48.

¹⁶ *Ibid.*, pp. 46, 88, 92, 93, 102, 103, 106, 113, 114, 116, 121, 124, 137, 141, 145, 169, 200, 212, *et seq.*

¹⁷ *By the Record Commission*, in two volumes. 1835.

en often denounced as an encroachment on the freedom of discussion, and exercising a nefarious influence on the National assembly, but criticism of this kind easily triumphs, because it ignores surrounding circumstances and conditions. Notwithstanding the veto which the Lords of the Articles possessed, the parliament of Scotland passed many good and wise laws. What of that? In those days many of the best laws were not carried into effect. What the nation then wanted was not parliamentary freedom and discussion, two things its legislators had little power and less inclination to embrace; but a strong executive government, which is possible without parliamentary freedom at all. This was not meant to justify the defects and the peculiarities of our parliament, only to show if it had been otherwise constituted, and even passed better laws, the result would have been much the same. As long as the aristocracy were so powerful in Scotland, it was the height of folly to suppose that any political forms or legal enactments, however freely discussed and formally adopted, could be obeyed; when these crossed their path they would trample them in the dust. Those full of high notions of the efficacy of parliaments and acts may demur to such statements, but the historian looking around on the state of society, and passing in review the parliaments and laws along the roll of ages, is forcibly struck with their impotency, and must proclaim it if he wishes to write history.

Without entering into many details, a few of the matters cropping up in the civil courts may be noticed. The fruits of benefices were often sued for before the Lords, such as wool, tithes, and cheese. This sometimes arose from farmers leading certain tithes, when money payments were claimed.¹⁸ Master William Forbes, provost of the College Kirk of St. Giles, Edinburgh, sued the magistrates for his yearly pension.¹⁹ Cases enforcing the payment of tithes are numerous. The spoliation of tithes and withholding of them; and in the leading and

¹⁸ *Acts of the Lords' Auditors*, pp. 23, 33, 69, 77, 97, 116.

¹⁹ *Ibid.*, p. 102.

taking of teind corn the two parties occasionally came to blows.²⁰ The payment of the uppermost cloth and the paschal offerings were also enforced by the civil courts.²¹ The Lords, too, came into collision with persons under a cursing—that is, those under the ban of the church.²²

But throughout the 14th and 15th centuries the courts of the church monopolised a large part of civil business, besides the properly consistorial cases, which included all matters of legitimacy, bastardy, and divorce; the affairs of widows and orphans; all questions of slander, disputes between churchmen, and the management of Notaries Public; questions arising upon contract, when sanctioned by an oath; the class of cases connected with wills, testaments, and executory.²³ Thus the churchmen of those times enjoyed an ample field of legal business. It is said by one writer that the amount of business in the consistorial courts of Galloway, St. Andrews, and Edinburgh was larger and more important than the business of the sheriff courts, and greater also than the king's council, or the judicial committee of parliament.²⁴

We know little of the form of process in the consistorial courts. It professed to take care of the poor, who could not afford lawyers. Robert Henryson, the poet, was a teacher in the school of the monastery of Dunfermline, and also acted as a notary public. His fable, "The Tale of the Dog, the Wolf, and the Sheep," contains the best account we have of this court in the latter half of the 15th century. This fable brings clearly out that the poor commons could be, and were, cruelly oppressed even in the consistorial courts. The very clothes were taken off their backs, and they were turned naked into the fields.²⁵

²⁰ *Acts of the Lords' Auditors*, pp. 52, 72, 89, 99, 103, 118, 168, 183. *Acts of the Lords of Council*, p. 147.

²¹ *Acts of the Lords' Auditors*, pp. 130, 184. ²² *Ibid.*, pp. 4, 34, 47.

²³ Innes's *Legal Antiquities*, p. 238. *Statuta Eccles. Scot.*, Vol. II., pp. 47, 77, 78. *Acts Parl. Scot.*, Vol. II., p. 14; and Sheriff Wilson's *Introd.*, p. 10.

²⁴ Innes's *Legal Antiquities*, p. 239.

²⁵ Henryson's *Poems*, pp. 148-152, Laing's edition. 1865.

This brief notice of parliament and the chief courts is only presented as an aid to the comprehension of the state of society; not at all as an exhaustive description of the courts themselves. The sheriff courts and baron courts are left over to the 16th century, when they can be illustrated from records still preserved. The borough courts will come up in connection with the other features of town life.

The bad effects of the long war with England have often been deplored; but the evils of war are sometimes compensated by indirect and incidental results of the highest social value.

It was already observed that slaves were a recognised and numerous class in the 12th and 13th centuries; but they began to disappear in the next, and in the 15th century serfdom became extinct in Scotland. Some of our historians ascribe the chief honour of manumitting the serfs to the church²⁶; others speak of the king, the nobles, and the borough, albeit there is little evidence of their liberality in the matter.²⁷ There were

²⁶ Innes's *Sketches of Early Scotch Hist.*, p. 193. *Scotland in the Middle Ages*, pp. 143-145. The evidence adduced by Innes does not amount to much, and falls far short of accounting for the emancipation of the absolutely servile class.

²⁷ There are a few cases of the kings, and a noble or two, setting two or three individuals free. (See Tytler's *Hist. Scot.*, Vol. II., pp. 259, 260; Robertson's *Index to the Charters*, pp. 47, 66, 89.) Regarding the influence of the boroughs in freeing the slaves, it has been already indicated (p. 251) how small a part they could play in the matter.

It is not maintained that the churchmen and monks of Scotland in the 14th century showed more favour to their bonds and serfs than the English of the same age; the propriety of a reference to the latter country cannot be disputed. In England, when disputes arose between the clergy and the people on their lands, it frequently happened that the abbot of a religious house put in a plea that the plaintiff was a bondman or villain of his, and therefore not entitled to an answer; and accordingly such a person, instead of receiving redress, was punished for making a false charge. Many cases of this kind occur in English record (see *Gesta Abbatum Monasterii Sancti Albani*, Vol. III., pp. 39-41). Again, it is in the Registers of our own religious houses where we meet with the most minute accounts of the serfs. There are instances in these records of serfs being sold with their children for ever, and conveyed in connection with the land (*Register of the Priory of St. Andrews*, p. 278). It is little to the point to talk about the church emancipating the bonds and serfs; there is no real evidence of this from one end of the Island to the other.

efforts made to reclaim strayed ones late in the 14th century.²⁸ Indeed no canon of the church or act of parliament appears in favour of their freedom. What then was the cause of their emancipation? Was it the sheer strength of the spirit and feeling of the people that rose above serfdom and extinguished it? Or was it a concurrence of circumstances which afforded them facilities for attaining their freedom, and rendered the breaking up of the class inevitable?

It is probable the pressure of the long war with England at length called the serfs into the army and the field of battle; henceforth, it would be difficult to retain them on a separate footing from the rest of the community. It is morally certain the patriotic leaders, Wallace and Bruce, and others who succeeded them, when hard pushed for men, did not hesitate a moment to take into the army all who were able to serve their country, whether they were serfs or not. We are not altogether left to assumptions on this point. Robert I. enacted that every man who had goods to the value of one cow must attend the host prepared for battle.²⁹ Under these circumstances and influences the emancipation of the serfs in Scotland was sure and steady. It was accomplished here more than a hundred years before it was across the border—the English serfs were only emancipated by act of parliament in the reign of Queen Elizabeth; and serfs and serfdom continued in France and some parts of Germany to the end of the 18th and beginning of the 19th centuries.³⁰

The long war, too, contributed in other ways to the final result—the general confusion produced by it, the frequent and forcible changes ensuing in the ownership of large tracts of land over the country.³¹ The uncertainty of titles—in fact, the

²⁸ The last case of claiming serfs in a Scotch court was before the Sheriff of Banffshire in 1364, when the Bishop of Moray obtained a verdict of a jury, finding that two men were his natives and property (*Register of the Bishop of Moray*, p. 161).

²⁹ *Acts Parl. Scot.*, Vol. I., pp. 113, 114.

³⁰ De Tocqueville's *Ancient Regime*.

³¹ A glance over the index to the charters of Robert I., incomplete as they

insecurity of everything, save the constantly recurring blows of the enemy—this rose above every other consideration. Many things fell before it, and serfdom was broken up amid the crash.

This explanation of the extinction of serfdom is simple and complete. It requires no problematical virtues in the owners of the serfs as prompting them to set the bondmen free. It is also amply corroborated by the history of the abolition of slavery in all quarters of the globe.

We have seen the vacillating action of the higher nobles in the early stages of the struggle with England—their eyes always open to self-aggrandisement, equally heedless of the honour or the fate of the nation. The sagacity and success of Bruce brought them under restraint during his reign; but the long minority and anarchy which followed after his death, the weak government of David II. and the two succeeding kings, afforded the nobles many opportunities of extending their power, which they were always eager to embrace. So before the end of the 14th century, the Scotch aristocracy had risen to a height incompatible with any form of settled government.³² When two or three of them joined together, they were more than a match for the king. This mode of strengthening themselves they freely employed.

Something resembling bonds of manrent long existed among the Scotch nobles ere it became the fashion to put them into a written form. Throughout the 15th and 16th centuries, these bonds were universal among the aristocracy and their vassals, and though these lawless covenants were proscribed (1556) more than another century passed ere they were finally extinguished. The usual form of the bond was, the stronger party bound himself to defend the weaker, who in turn promised his personal services and counsel against all men alive who came against him. They, however, assumed endless modifications. There was generally a strong infusion of the spirit of strife in them, and the history of the reign of Robert I. will show that much of the land changed hands during his reign (Robertson's *Index to the Charters*, pp. 1, 29; see also pp. 30, 92).

³² Tytler's *History of Scotland*, Vol. II., pp. 171, 172; Vol. III., pp. 84, 85.

them—promises to support each other with all their might, in all their quarrels against everybody under the sun, save those specially named in the bond. They were always confirmed by the oaths of the parties; and the wretched government of Scotland in the 15th century not only recognised them, but enforced them before the courts.³³

The higher nobles combined among themselves by bonds and alliances to an enormous degree. Great masses of these documents still remain in the iron chests of the old families. Many have been published; two ample collections may be seen in the Spalding Club publications—one from the charter room of Slains Castle, another from Gordon Castle.³⁴ They amount to upwards of two hundred, and cover the period from 1444 to 1670; but there are not many after the 16th century. When our kings ascended the throne of England, the power of the Scots nobles was thenceforth greatly curtailed. Thirty of these bonds belong to the 15th century.³⁵

³³ *Miscellany of the Spalding Club*, Vol. II., pp. 107, 108, Pref. *Acts of the Lords' Auditors*, pp. 56, 103.

³⁴ *Miscellany of the Spalding Club*, Vols. III., IV.

³⁵ The remarks of Dr. Stuart are valuable, on account of the extent of his information and the soundness of his judgment. "The system of private leagues, by which individuals or families were bound to take part in the adoes and quarrels of each other, attained its greatest height in Scotland in the period from 1440 to 1570, although it may be traced to an earlier period, and continued to exist in a modified shape after the time last specified. The bonds of manrent then entered into resulted from the impotence of law and authority, and, by consequence, reacted in the most disastrous way upon the general policy of the nation. Powerful noblemen, who held bonds from a host of other nobles and barons, obliging them to take part in all their quarrels, 'in the law and by the law,' were little likely to appeal to the peaceful tribunals of the law for justice, when they could more effectively secure it by the sword. But when these alliances were used, less for the purpose of obtaining that justice, which the weakness of the law might have denied them, than of enabling those who had the power to indulge their passion of revenge and deadly feud, it is not surprising that such alliances should have formed a powerful element in conducing to that anarchy and contempt of law which characterised the Scotch nobility in the times referred to" (*Ibid.*, Vol. IV., p. 48, Pref.).

"The marriage alliances, by which families were connected with each other, were also accompanied in general by a bond, obliging the parties to each other in all and sundry their actions, causes, and quarrels, moved and to be moved, with

These bonds exhibit a sad feature in the social history of the nation. They were one real source of the reckless action of the proud aristocracy of these times. As they were combined and sworn to assist each other with all their intellect and might, there was nothing too bold for them to attempt.³⁶ The pollution or utter destruction of an enemy—nay, even the imprisonment or the murder of their king, was nothing to them if they were dissatisfied with him.

It has been already mentioned that the right of an earl and the higher barons to grant charters to their vassals all over the territories under them, was an enormous source of power. For seven centuries it was a fertile cause of contention and injustice throughout the kingdom. In the 15th century, and onwards well through the next, the houses of Argyle and Huntly, the one in the west, and the other in the north, especially extended their wings, and accommodated their kin and adherents in this way to an almost incredible extent, and at the expense of the Celtic inhabitants, the real owners and occupiers of the land. It is true the government of the day often lent them all its aid and influence in this disgraceful, and cruel, and unjust work. The Gordons and the Campbells were set down and planted throughout the regions of the north and west.³⁷ There they reigned supreme. If any of the Celts were bold enough to

their persons, goods, fortunes, strengths, kin, men, and friends, and all that will do for them, contra and against all men that live and die may, their allegiance to their sovereign lord, the king, except" (*Ibid.*, Pref., Vol. IV., p. 49). See the whole contract itself between the Earls of Huntly and Bothwell in 1491 (Vol. V., pp. 186, 187).

³⁶ "At one time, so universal was their prevalence that there can scarcely have been a man in Scotland, above the rank of the smallest landholder, who was not bound in one or more of these covenants" (*Ibid.*, Pref., Vol. II., pp. 98, 109).

³⁷ The grasping ambition of the Earls of Huntly sometimes led them to attempts on the church lands. Early in the 16th century, Alexander, Earl of Huntly, claimed the lands of Balloch, in the barony of Strathisla, which belonged to the monastery of Kinloss. He failed, however, at that time to get them. But his sister, the wife of Ogilvie of Findlater, then claimed parts of the abbey lands in Strathisla; this, too, was defeated by the energy of the abbot. *Records of the Monastery of Kinloss*. Ed. by Dr. Stuart, 1872. Pp. 27, 28.

gainsay or oppose them, they were sharply brought to a sense of their folly and utter helplessness.

We have seen the country was admirably adapted for defence. This always was exceedingly favourable to the power and independence of the nobles. Their abodes were almost invariably places of strength. The most suitable spots were selected, as a conical hill, an insulated rock, the middle of a loch, the river bank, and the sea side, and to these natural advantages artificial defences were added. Indeed some of their castles were great fortresses, which frequently defied all the power of the crown. When at variance with the king, the noble in his castle, surrounded with hosts of his sworn vassals, could, whenever it suited his purpose, set at nought the commands of the government and the law. In the deplorable state under which the nation groaned in the 14th century and the greater part of the 15th, it was often impossible, and sometimes inexpedient, for the crown to attack a rebellious noble. The nobles knew this and made the most of it.

Owing to the circumstances just noted—the natural structure of the country, the long war with England which fostered and prolonged the predatory habits, and the bonds of manrent by which they endeavoured to gratify their revenge, and enhance their power still more—from the combination of these circumstances, the Scotch aristocracy ran a career of ferocity, and strife, and crime, and murder, and avidity, unsurpassed by any nation of Europe. The wretchedness thus entailed upon the nation has never been unfolded, and probably never will, but in this chapter a part of it shall be laid bare.

James I. saw at a glance that no effective government could be carried on in Scotland while the nobles had so much power. He, therefore, at once set himself to reduce it, but its roots were far too deep in the soil to be summarily removed. In spite of his great energy and all his efforts, he soon fell a victim to the revenge of the nobles. The attempts of James II. and III. to restrain their lawlessness proved equally unavailing.

stocratic power and violence raged unabated throughout a century.

In the later part of the 14th and the early part of the 15th c., the country is described as without law, the great wrongs of the poor, the whole kingdom one den of thieves, murders, robberies, fire-raisings, and other odious crimes unpunished, as if justice had been outlawed, and banished from the realm.³⁸ The weakness of the executive was a drag to all order and improvement in Scotland. The few attempts to redress these evils were numerous, but completely failed, as the constant repetition of the same claims. The laws seem rather to denounce the prevailing anarchy and disorder of society, than to afford a remedy.³⁹

The lords on the most frivolous pretences turned the tenants from their holdings, and the poor labourers out of their cottages. The king tried to check this, but in vain. In 1401, an act was passed which declared all such resumptions by the overlord null and void, unless lawful cause was shown; and it was provided that tenants turned out of their land should not lose it after the lapse of a year, if they repledged their lands within forty days. It appears the nobles as overlords of the manors frequently took the law into their own hands, and by force expelled the vassals from their lands.⁴⁰ In this way, as stated, the nobles were able to accommodate their own interests and sworn adherents, and utterly crush everyone within their territories who proved refractory, or declined to join in their lawless exploits.

At thirty years later all that James I. could do, was simply to request the bishops and barons not to remove the husbandmen from their lands suddenly from their lands, when they held leases.⁴¹

³⁸ *Parl. Scot.*, Vol. I., pp. 208-212, 217, 218. *Register Episcop. Moray*,

³⁹ *Parl. Scot.*, Vol. I., pp. 184, 208; Vol. II., pp. 4, 5, 7, 8, 32, 36, 99,

⁴⁰ *ibid.*, Vol. I., pp. 213, 214.

⁴¹ *ibid.*, Vol. II., p. 17.

Again, 1449, parliament passed an act aiming at more security to the tenants, but there is no evidence that it was obeyed, though there is ample proof of generation after generation still suffering from the evils which the legislature had attempted to remove.⁴² In 1457, an act was passed allowing lands to be let in feu, free from military service.⁴³ Parliament anew enacted, 1491, that when land changed owners, the tenants, labourers, and inhabitants should not be removed before the next Whitsunday.⁴⁴ At the terms of Martinmas and Whitsunday there was always a general pointing of the effects of the tenants for their rents, and a great commotion of "outcasting and incasting" among the tenantry all over the land.⁴⁵

Even the class of small proprietors within the earldoms and great baronies of the kingdom were bound hand and foot to the service and policy of their overlord. The noble had the power to disinherit and expel a refractory vassal, on the ground that he had failed to render the proper feudal services to his lord and master. When this could not be done, a plea might be raised that he was not the right heir, and, on that fiction, cast out of his home and land. If a man of years and experience could be handled in this style, it is easy to conceive how the widow, the fatherless, and the weak would be treated.⁴⁶ It is foolish to rave about the fidelity of the vassal to his lord; it was simply a relation of necessity when brute force ruled supreme, and anything rather than a spontaneous feeling of love and friendship.

Much cruelty and injustice was inflicted upon the tenants and the inhabitants of the kingdom by the creditors of the nobles and barons. When these lordly persons fell into debt, their creditors got briefs of distress, obtained judgments against them, and then seized on the property of the lords' tenants. By this process the tenants were often utterly ruined. In 1469 parlia-

⁴² *Acts Parl. Scot.*, Vol. II., pp. 35, 36, and p. 225.

⁴³ *Ibid.*, p. 49.

⁴⁴ *Ibid.*, p. 225.

⁴⁵ *Ibid.*, p. 95.

⁴⁶ *Ibid.*, Vol. I., pp. 213, 214, 248, 249, 252, 254, 255, 288, 253, 286, 367, 368, 369.

ent passed a measure which attempted to remedy the injustice. The act declared that the poor tenants should not be liable for more than the amount of rent due. If the sum exceeded the rent, then the creditor could have recourse to the other goods of the debtor; when he had no other property but his land, it might be sold to pay his debt. The debtor, however, retained the right of reclaiming his land from the purchaser at any time within seven years, if he paid the price it was sold for.⁴⁷ Whether this act had any effect in the 15th century there is little to show; though at a later period, when the power of the nobles began to wane, it certainly came into operation. Such was the relation of the small landholders, occupiers, and tillers of the soil to the aristocracy, as represented in the public acts and laws of the kingdom.

But there is more evidence of the oppression which the tenants and inhabitants endured at the hands of the nobility. When travelling through the country they were in the habit of living at free quarters on the husbandmen and the inferior clergy, destroying their crops and meadows, and eating up all their store of grain. In 1366 parliament enjoined that no bishop, earl, baron, or knight should ride through the country with more followers than became their rank; and to dismiss the hosts of spearmen and archers who encircled them; and when they did pass through the country, to lodge at the inns and pay their expenses.⁴⁸ This was of no avail to stop the customary robbery and oppression by the aristocracy. Parliament again, in 1397, 'ordained and commanded every sheriff throughout the kingdom to proclaim that no man ride through the country with more persons than he is able to make full payment for, under the penalty of loss of life and goods, if they commit such slaughters, robberies, burnings, and destructions hereafter, as they had done heretofore'. And this was reiterated the following year.⁴⁹

⁴⁷ *Acts Parl. Scot.*, Vol. II., p. 96.

⁴⁸ *Ibid.*, Vol. I., p. 141.

⁴⁹ *Ibid.*, pp. 208, 211.

These acts, however, did little to break the fetters of the oppressed people of Scotland. During the first quarter of the 15th century, the lawless power of the aristocracy raged like the waves of the ocean.⁵⁰ The first parliament of James I. anew enacted that none, whatever their rank be, travel, or ride through the country with more followers than they can maintain, and make full and ready payment to the king's subjects. When complaints were lodged against such riders, the king commands the sheriffs to arrest them and put them under bail, until the king certify what shall be done to them.⁵¹ In his brief reign the reckless nobles were curbed, and the people enjoyed unusual peace and security. But as soon as they had murdered the only man in Scotland capable of restraining them, then the nobles broke out with all their accustomed fury, and renewed the old game of oppression, and anarchy, and confusion.

So inveterate was the habit amongst the great of living on the people as they passed through the country, consuming the fruits of their hard-earned industry, it was even necessary to restrict the king's justices, chamberlains, and other officers of the crown. Parliament (1499) commanded all the officers holding courts throughout the land, to ride only with a small number in their company, for eschewing the grievous hurting of the people. Moreover, the coroners were ordered to cease taking the tenpence of wrong custom from those that paid ready bail.⁵² The contagion of example as usual spread downwards; we will come across another class, who, in this, closely imitated the nobles, and proved a scourge to all the industrious inhabitants of the kingdom.

Though the records of parliament prove the oppressive character of feudalism and the aristocracy beyond cavil, contemporary literature also affords equally clear evidence of this malady preying upon the life-blood of the nation. Bower, the

⁵⁰ Tytler's *History of Scotland*, Vol. III., pp. 183, 184.

⁵¹ *Acts Parl. Scot.*, Vol. II., pp. 3, 16.

⁵² *Ibid.*, p. 36.

continuator of Fordun, wrote in the reign of James II., and gives a frightful picture of the country—"Long appears to us, O king! the time of thy arrival at majority when thou mayest be able to deliver us, confounded as we are with daily tyranny, oppressed with rapine, spoil, and tribulation, when thou mayest enact laws, exercise justice, and free the poor from the grasp of the powerful, as they have no helper but God and thee. Mayest thou remember that thou art a legislator, in order that thou mayest crush the robber, and restrain those who deal in rapine. . . . The groans of the humble, and the miseries of the poor, whom I myself who write this have seen this very day in my own neighbourhood—stripped of their garments, and inhumanely despoiled of their domestic utensils, constrains one to exclaim with him who says, 'I have seen the injuries which are done, the tears of the innocent, and helpless, and destitute who cannot resist violence, and have none to comfort them'. I have praised the dead more than the living; and happier than both have I esteemed the unborn, the sole strangers to the evils of this world."⁵³

Again, when comparing the reign of James I. with his own times—"Woe unto us miserable wretches, exposed to all manner of rapine and injury, how can we endure to live, who enjoyed such felicity in the days of that most illustrious king, and now, by a sad change of fortune experience the complete reverse,"⁵⁴ and more in the same strain.

Robert Henryson, the poet, wrote in the latter part of the 15th century, and he often refers to the state of society. His statements are not mere exaggerated descriptions, but expressions of opinion well worth the attention of the historian. He says there are three kinds of wolves now reigning in the world: false perverters of the laws, who mingle fraud and falsehood, while pretending that it is all gospel, but have no scruple in giving a bribe to overthrow the poor. The second sort of

⁵³ Fordun's *Scotichronicon*, Vol. II., pp. 473, 474. 1759.

⁵⁴ *Ibid.*, p. 512. Quoted by Pinkerton, Vol. I., pp. 341, 342.

ravenous wolves are mighty men, who have enough and to spare, yet so greedy and covetous they will not suffer the poor to live in peace. Over his head his rent they will lease, though he and his family should die for want. The third are men of heritage, as lords who let to the farmers a village for a time, with a grassum paid; then they begin to vex him ere half his term be run, by picking quarrels to make him glad to flit, or pay his grassum anew. His horse, his mare he must lend to the laird to drive and draw in court and carriage. His servant nor himself may not be spared to labour and sweat for his lord, without meat or wages. Thus he stands in bondage, and he can scarcely afford to live upon bread and watery kail. To their lords the tenants must labour with faint and hungry stomach—to them the poor man was compelled to work without meat or fee.’⁵⁵

The following refers to the reign of James III.—“The commons and the industrious poor are all daily oppressed without mercy. There is no peace; confusion everywhere reigns supreme. Fools and rogues are elevated to the judgment-seat. Where is the balance of justice and equity? The state is woeful. Neither merit regarded, nor trespassers punished—all living in lawless liberty, with no more reason than an ox or an ass.”⁵⁶

Amid the elements and circumstances now described agriculture could not be advancing, and we find it in a very backward state. In the 14th century the better parts of the country were so much exposed to the ravages of war, it is probable some portions of the arable land were allowed to return to its natural state. The subject drew the attention of James I. when he returned to the kingdom, and his parliaments passed various laws for the encouragement of husbandry. It was commanded (1425) that every man who reasonably should be a labourer, should either be the half owner of an ox in the

⁵⁵ Henryson's *Poems*, pp. 214, 215. Laing's Ed., 1865.

⁵⁶ *Ibid.*, pp. 37, 152, 201.

plough, or dig a plot of land every day seven feet square.⁵⁷ It was enjoined (1426) that every farmer in the kingdom possessed of a plough of eight oxen, should sow every year a firloft of wheat, half a firloft of pease, and forty beans, under a fine of ten shillings.⁵⁸ In this reign acts were also passed for the destruction of wolves and rooks, and the protection of growing crops.⁵⁹

The most important acts passed in the reigns of James II. and James III., for the promotion of agriculture and the protection of tenants were already noticed in the preceding ages. The anarchical state of society often caused agricultural operations to be interrupted and neglected ; and the act of 1426 touching the sowing of wheat, pease, and beans, was re-enacted 1457. At the same time it was deemed necessary to charge all the freeholders of the realm to make it a provision in their leases that their tenants plant wood, make hedges, and sow broom in the most suitable places. It was also ordained that no man make enclosures or hedges of dry sticks or dressed wood, but only of living plants, that wood might grow and be plentiful in the land.⁶⁰

The tenants on the church lands probably lived under somewhat easier terms than those on the estates of the nobles, but towards the end of this period the church had enough ado to hold its own,⁶¹ and the exactions from the people were increasing in various forms.

The dwellings of the people were still small wooden erections. The houses of the farmers, as well as the trades people of the towns, were all built of wood or other slight materials, though not necessarily devoid of comfort. We have no remains of borough architecture older than the 16th century.⁶²

In attempting to impart information about the principal

⁵⁷ *Acts Parl. Scot.*, Vol. II., p. 8.

⁵⁸ *Ibid.*, p. 13.

⁵⁹ *Ibid.*, pp. 6, 7, 15, 16.

⁶⁰ *Ibid.*, p. 51.

⁶¹ *Records of the Monastery of Kinloss*, pp. 24, 25. 1872.

⁶² *Tytler's History of Scotland*, Vol. II., pp. 390, 391. *Innes's Scotland in the Middle Ages*, pp. 318, 319.

towns of Scotland throughout this period, it must be remembered that our imperfect records, and such statistics as they contain, can hardly be tested by modern rules. Indeed, all statistic figures used in aid of social conclusions, or illustrating single points, are often open to exception, unless they are on a scale of magnitude rarely contemplated, which sinks exceptions into insignificance. The sums of money rendered for the various boroughs in the Chamberlain's books from year to year, are likely to mislead if we are not aware of the other processes going on at the time. In the 15th century, to judge the progress or the wealth of a Scotch borough from the amount of its annual custom, might really misrepresent the matter. The customs of the boroughs were sometimes commuted for a fixed sum ; grants to religious houses, altars, and hospitals, were given out of the customs by the king's charter or other authority ; and pensions to individuals were frequently granted from them. All this may not at once appear, but it should be recollected when drawing conclusions touching the trade of the towns or the wealth of the nation, as represented by its customs.

There was also a general cause in operation tending to reduce the rents and customs of the boroughs, payable to the crown. This was the gradual but certain diminution of the royal power. From the War of Independence onwards to the end of the 15th century, there is a palpable decrease of the power, wealth, and influence of the crown. When we find, therefore, the annual customs of some city not much higher or even less in the 15th than in the 13th century, the true inference may not be that it has been falling back, or that the nation has not been progressing in trade, but that more of the customs and rents had found their way into the hands of the aristocracy and the church, or the citizens themselves. Indeed, the aristocracy and the church for more than two hundred years had been making a rich harvest at the expense of the crown, and the hour was fast approaching when a desperate scramble between them for the lion's share of the spoil ensued.

For these remarks the following statement of the customs levied by the crown from the chief boroughs, in connection with other circumstances, may roughly illustrate the changes that took place in the towns, and the state of society around them. The most light would be cast on the subject by taking the towns, the northern ones, and those in the heart of the country in separate groups.

The border boroughs included Berwick, Roxburgh, Jedburgh, Thirsk, Dumfries, Peebles, and others of less note. These were exposed to the first brunt of war, and at all times afflicted by the recurring raids on each side of the marches. They engendered many strongly marked features of character in the inhabitants of these regions, which manifested themselves in deeds of daring, and many touching incidents, tragic and romantic.

The custom of Berwick, 1328, was £260, and in 1331 it had risen to £535.⁶³ Two years later Berwick fell into the hands of the English. It was taken and retaken several times, but was never permanently retained by Scotland. We have seen that the value of Berwick in the 13th century was over £2,000, but it never again in after times regained its old importance.

The town of Roxburgh had some trade and wealth at an early period. It had its craftsmen, mills, markets, and fishings.⁶⁴ It was the scene of numerous contests between the Scots and the English. In the 14th century it was wrecked by the wars, the English long held it, but in 1460 it was recovered, and the Scots razed the castle to the ground. Roxburgh has had a harder fate than Berwick, the town itself has long ago disappeared.

Jedburgh was a place of importance in early times, with its castle and monastery. It was afterwards occasionally the meeting place of the Scottish army, and the justiciar's courts

⁶³ Chamberlain's *Rolls*, Vol. I., pp. 20, 223.

⁶⁴ *Reg. Paroch. Scot.*, Vol. I., pp. 469-471.

often sat there.⁶⁵ King Robert granted to Sir James Douglas, (1320) the market town, castle, forest, and mains of Jedburgh, and confirmed it the following year along with other grants.⁶⁶ In 1328, the Sheriff of Roxburgh accounted to the Chamberlain of Scotland for £169 5s. 7d., from the freeholders of his bailerie of Jedburgh.⁶⁷ Shortly after it fell into the hands of the English, who held it for more than half a century. They were finally expelled from it 1409, and the Scots then demolished the castle.⁶⁸ The next year the town was burnt by the English, again 1416, and once more 1464.⁶⁹

The men of Jedburgh and its forest, owing to the surrounding circumstances, were well trained and expert in war. They acted in most of the warlike operations, and the hot raids across the border. Their war-cry was "Jeddards here," and their special weapon the Jedburgh staff, manufactured in the town, a strong staff, four feet long, with a steel head.⁷⁰ Jedburgh has passed through many viscissitudes, but it has survived them all, and is still a town of note.

The town of Dunbar lies in the south-east border of Scotland, and its strong castle rendered it an exceedingly important position. In fact it was the key to the kingdom in that district. The castle belonged to the Earls of March. It stood a memorable siege (1337) when Black Agnes, the wife of the earl, a daughter of Randolph, Earl of Moray, held the castle for five months against the English army; and they were forced to raise the siege, utterly foiled by a woman.⁷¹

Dumfries is early mentioned in record. In 1331 the custom of Dumfries was £5, and its rents to the crown

⁶⁵ *Orig. Paroch. Scot.*, p. 379. *Pitcairn's Crim. Trials*, Vol. I., pp. 115, 18, 22.

⁶⁶ *Orig. Paroch. Scot.*, Vol. I., p. 380.

⁶⁷ *Chamberlain's Rolls*, Vol. I., p. 14.

⁶⁸ *Orig. Paroch. Scot.*, Vol. I., p. 376.

⁶⁹ *Ibid.*, p. 377.

⁷⁰ *Ibid.*, Vol. I., p. 385. *Pitcairn's Criminal Trials*, Vol. I., pp. 262, 239, 295, 362, 320, 403.

⁷¹ *Tytler's History of Scotland*, Vol. II., pp. 60, 61.

5 12s. 4d.⁷² The contribution of the citizens (1370) to the town was £8 2s. 11d. The same year the Sheriff of Dumfries counted to the crown for £175.⁷³ In 1434, the crown rents of the borough were £20 1s.⁷⁴

Peebles was a royal borough, with a castle, from an early age. The kings frequently resided there. Charters of Malcolm IV., David I., William the Lion, Alexander II., and Edward I. are dated there,⁷⁵ and justiciary courts were often held at Peebles. In the 14th century the town became a kind of border fortress, an out-post of Edinburgh.⁷⁶

The bailies of Peebles (1329) paid a rent to the crown of 5s. 4d. In 1342 it paid £15.⁷⁷ These sums, however, varied from year to year, and are not an index of the wealth of the town. David II. (1369) granted to John Gray, the Clerk of the Rolls, all the rents and issues of the borough during his life, save the Chamberlain's ayre.⁷⁸ In 1398 the rents of Peebles were let to the bailies for an annual sum of £8 13s. 4d., but in 1434 the crown rents were let to the community for 13s. 4d., and the rent of the mills for £6 13s. 4d.⁷⁹

Peebles had seven yearly markets, some of them extending over several days; and there are many regulations in its records relating to the markets.⁸⁰ This border town was repeatedly burnt by the English in the 14th and 15th centuries, and subjected to the utmost horrors of war.⁸¹

The state in which the inhabitants of the borders were compelled to live encouraged and prolonged the predatory spirit

⁷² *Acts Parl. Scot.*, Vol. I., pp. 56, 84. *Chamberlain's Rolls*, Vol. I., pp. 222, 223.

⁷³ *Chamberlain's Rolls*, Vol. I., pp. 533, 534.

⁷⁴ *Ibid.*, Vol. III., p. 251.

⁷⁵ *Orig. Paroch. Scot.*, Vol. I., pp. 231, 232.

⁷⁶ *Acts Parl. Scot.*, Vol. I., p. 57. *Borough Records of Peebles*, p. 56.

⁷⁷ *Chamberlain's Rolls*, Vol. I., pp. 85, 269.

⁷⁸ *Register of the Great Seal*, p. 62, No. 198.

⁷⁹ *Chamberlain's Rolls*, Vol. III., p. 255.

⁸⁰ *Borough Records of Peebles*, pp. 85, 86, 209-211, 67.

⁸¹ *Chamberlain's Rolls*, Vol. II., p. 656. *Old Stat. Acc. Dumfriesshire*.

and habits. The general lawlessness and confusion among the people of the borders about the end of the 15th century, and throughout the 16th, gave the government much annoyance.

The Norman nobles planted upon the border counties in the 13th century, the de Morvills, Baliols, de Vescis, de Sulis, and others, had all disappeared here long ere the end of the 15th century.⁸² In spite of their boasted chivalry and civilisation, where had they all gone?

Passing to the northern boroughs, including Inverness, Dingwall, Elgin, Banff, and others of less importance. The inhabitants of the regions around these towns were living in an unsettled state, but not a whit worse than the border counties of the south. Indeed, rather many distinctions has been drawn regarding the intrinsic difference of the Celtic and Saxon inhabitants of Scotland. There is little or nothing to prove that the population of the northern boroughs in the 14th and 15th centuries were more Saxon than Celtic. In the reign of David I. the mass of the people in Aberdeenshire, even to the seashore of Buchan, were Celtic. And when or how were they exterminated? The notion when pressed is ridiculous enough. Yet, under the fine sounding names of Norman honour and civilisation, Saxon colonisation, and so forth, it has long imposed upon many. We have already seen what Norman honour and civilisation was in England, and what became of it upon the borders of Scotland; and we find no reason to conclude that the ambitious adventurers, whose own country was too hot for them, became immaculate when planted here and there in Scotland.

Mr. Innes gives a good example of the civilising habits of James II., when living in the north—"He chose Darnaway for his own hunting seat. . . . Here for two seasons the king enjoyed the sport of the chase. Great territories on both sides of the river were thrown out of cultivation for the sport, and the

⁸² Innes's *Sketches of Early Scotch History*, p. 175. And his *Preface to the Register of Kelso*, p. 5.

nts sat free of rent when their lands were wasted. What the manner of the hunting we are not informed. . . . There is no doubt the king's chief game was the red deer, the res of these hills. . . . But riding up to hounds, or g at all, must have been very partially used among the -mosses and rocks of the upper valley of the Findhorn."⁸³

If then to turn large districts into waste for the mere gratification of a barbarous taste of slaying wild animals be a mark of civilisation, this king and the Norman nobles must mainly be pronounced great benefactors and civilisers. It is now we are enabled to understand what Mr. Innes means by man civilisation and refinement—the refinement which consists in the brute instinct of killing. And if men cannot be allowed to slay, the next best thing was the gratification of their low passions in what is called "sport". To turn the people out of their land for the purposes of sport was a small consideration to a king; but when whole districts were dealt with in this fashion, we wonder if the landless and homeless inhabitants should sometimes betake themselves to rebellion and robbery.

The borough of Inverness, in the midst of the Highlands, was a place of comparative wealth, according to the standard of the times. In 1368, its custom was £72 6s. 8d.; and that of Elgin 11s. 7d. The following year the custom of Inverness is valued at £135 11s. 11d.; and Elgin £114 3s. 9d.⁸⁴ One cause of this variation was the depreciation of the currency. Again, in 1370, the custom of Inverness was £56 14s. 7d.; Elgin £71 13s. 6d. In 1375, for Inverness it was £140 8s.; Banff £41 8s. 6d. In 1379, Inverness was £119 14s. 7d., and in 1404 it was £32 14s. 8d.; while in 1451 it came down to £16 7s.⁸⁷ The custom of Banff, 1390, was £29 9s. 9d.; in 1434 it was £14

⁸³ Innes's *Sketches of Early Scotch History*, pp. 405, 406.

⁸⁴ Chamberlain's *Rolls*, Vol. I., pp. 488, 489, 514.

⁸⁵ *Ibid.*, p. 529.

⁸⁶ *Ibid.*, Vol. II., p. 77.

⁸⁷ *Ibid.*, Vol. II., pp. 107, 671; Vol. III., p. 528.

18s. 10d., and in 1451, the great custom which this borough paid to the crown amounted to £2 17s. 6d.⁸⁸ It will be seen these sums varied much, mainly owing to the causes already indicated.

The northern boroughs were much in the hands of the local nobles throughout this period. They oppressed the town's people to an enormous degree, whenever an opportunity occurred. Even the city of Elgin, the bishop's see, with its grand cathedral, and more than a hundred educated churchmen under its sway, was often compelled to bow the knee to the local nobles. Between the years 1389 and 1452 this city again and again accepted charters of protection and discharges of taxes from the Earls of Moray, who held it in a kind of vassalage.⁸⁹

In 1227 Alexander II. granted a charter to Dingwall, conferring on the citizens the same liberties as the burgesses of Inverness, and appointed a weekly market to be held every Monday,⁹⁰ but the town did not attain much importance. In 1308 Robert I. granted the borough of Dingwall and its liberties to the Earl of Ross, and he seems to have confirmed this about 15 years later.⁹¹ The town was in the hands of the Earls of Ross for more than a century. Parliament (1475) ordered the Sheriff of Inverness to summon John, Lord of the Isles and Earl of Ross, either at the castle of Dingwall, or the cross of Inverness, to appear at Edinburgh and answer for his crimes. He was accordingly summoned at the gate of the castle of Dingwall, because the representative of the law was not allowed within the gates.⁹² The Earl of Ross and the Lord of the Isles, as we have seen, was at last forfeited.

James IV. (1498) anew confirmed the privileges of Dingwall; and, at the same time, stating that they had completely fallen into

⁸⁸ Chamberlain's *Rolls*, Vol. II., p. 196; Vol. III., pp. 232, 528.

⁸⁹ *Old Stat. Acc.*, Vol. V., p. 3. *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 45, 46. Introduction.

⁹⁰ *Orig. Paroch. Scot.*, Vol. II., p. 494.

⁹¹ *Ibid.*, p. 494. *Acts Parl. Scot.*, Vol. I., p. 117.

⁹² *Acts Parl. Scot.*, Vol. II., pp. 108, 109.

destitution, owing to the assaults of war and the depopulation of the district.⁹³ James IV. also (1505) granted to the captain of the castle of Stirling the customs of all the boroughs between Banff and Orkney, including Dingwall, for the yearly payment of £50 to the king's comptroller.⁹⁴ This is a striking instance of the waning wealth of the crown, which was before noticed as a feature of the period.

Turning to the boroughs in what I have called the heart of the kingdom, where the state of society was a little more settled, though, even here, it was far removed from what we now see in the chief towns of Scotland.

Let us then glance at the customs of the boroughs, in this the most favoured region of the realm. In 1331 the custom of Edinburgh was £333; Dundee, £238; Aberdeen, £578; Perth, £13; Linlithgow, £54; Stirling, £9. Taking those for the year 1364 we find Edinburgh £3926; Aberdeen, £1003; Dundee, £474; Haddington, £1402; Linlithgow, £1100; St. Andrews, £354; Stirling, £151; Perth, £251; Montrose, £237.⁹⁵ This presents a strong contrast to the sums collected in 1331. But it is attributable partly to the depreciation of the currency, partly to an increase of the dues to meet the special wants of the crown for money to pay the king's ransom, and partly to the increase of trade; perhaps, more to the first and second than to the last. Passing on ten years we find no falling off. In 1374, Edinburgh, £3584; Linlithgow, £1775; Aberdeen, £1380; Dundee, £714; Perth, £804; Montrose, £361; Haddington, £895; Stirling, £159; St. Andrews, £119.⁹⁶ This affords some materials for comparing the progress of the towns, and the commerce of the nation; and that under the most unfavourable circumstances, within and without the kingdom. As we approach the end of the century there is a marked falling off.

⁹³ *Borough Charters*.

⁹⁴ *Orig. Paroch. Scot.*, Vol. II., p. 495.

⁹⁵ *Chamberlain's Rolls*, Vol. I., pp. 223, 405, 416, 414.

⁹⁶ *Ibid.*, Vol. II., p. 47.

The custom of Edinburgh in 1399 was £1062 ; Dundee, £651 ; Perth, £74. The returns for this period are very incomplete.⁹⁷

Early in the 15th century, 1406, the customs of the chief towns stood thus—Edinburgh, £282 ; Dundee, £220 ; Aberdeen, £150 ; Perth, £316 ; Linlithgow, £101 ; Stirling, £31 ; Cupar in Fife, £174.⁹⁸ Fourteen years later, for Edinburgh it was £195 ; Aberdeen, £517 ; Dundee, £350 ; Montrose, £186 ; Linlithgow, £171 ; Stirling, £192 ; Cupar, £151.⁹⁹ This was during the Duke of Albany's government, when the customs of the boroughs were given out in pensions, and farmed among the aristocracy. From this time to the end of the century the trade of the nation made little progress, though, in the reign of James IV., there were signs of improvement, which were soon shaken by the disaster of Flodden.

The boroughs of the church require a passing notice. In those days the churchmen and monks were an important body. They had not only much property in land, and more or less in every royal borough of the kingdom ; but also several considerable towns, of which the bishops and abbots were the superiors and masters. The principal cities and villages of this class were Glasgow, Paisley, Arbroath, Dunfermline, Dunblane, Dunkeld, Dornoch, and Rosemarkie. Some of them never rose above their original condition, but remained villages as their masters left them.

At the end of the 15th century Glasgow was little more than a village. Though its cathedral, with her numerous altars, chapels, convents of friars, black and grey, its hospital, archbishop's palace, and its University, conferred influence on the city.¹⁰⁰ Glasgow was subject to the authority of the archbishop, and the appointment of the magistrates remained in his hands till the Reformation.¹⁰¹ In the 15th century, Glasgow had very

⁹⁷ Chamberlain's *Rolls*, Vol. II., pp. 440, 445, 471.

⁹⁸ *Ibid.*, Vol. III., pp. 2, 4, 6.

⁹⁹ *Ibid.*, pp. 106, 107.

¹⁰⁰ *Orig. Paroch. Scot.*, Vol. I., pp. 2, 3, 4, 5, 6, 7.

¹⁰¹ *Ibid.*, p. 13.

little trade of any kind ; but it was filled with the monopolising spirit of the age, and maintained a struggle about its privileges with the boroughs of Rutherglen, Renfrew, and Dumbarton.¹⁰²

Paisley rose into a village under the shadow of the monastery and the abbot. In 1488 James IV., acting in the spirit of the times, out of favour to the abbot, erected Paisley into a free borough of barony, with the same privileges as the boroughs of Dunfermline, Newburgh, and Arbroath, with two yearly markets, and the magistrates to be nominated by the abbot.¹⁰³ Twelve years later the abbot made a grant of the borough to the provost, bailies, and the community. The burgesses had the right of taking stones from the abbot's quarries ; and if they should win coal, the abbot was to have coal from their pits.¹⁰⁴

Arbroath had some foreign trade in the 14th and 15th centuries ; and about the end of the 14th century the abbot and burgesses made a worthy effort to render their harbour more secure for ships, by voluntarily taxing themselves to accomplish the necessary work.¹⁰⁵ It continued to prosper, and eventually rose to be a port with a considerable trade.

Dunfermline is associated with many historical reminiscences. It was a favourite residence of our kings throughout their long career. Though such things are naturally supposed to confer importance, still Dunfermline, at the end of the 15th century, was a comparatively small village, composed of wooden houses.¹⁰⁶

But Greenock and Kilmarnock, towns now of so much trade, commercial enterprise, wealth, and industry, were as yet hardly in embryo ; and other places which now carry on trade and manufacture to a large extent were nowhere.

Before examining the internal state of the boroughs, a brief

¹⁰² Innes's *Sketches of Early Scotch History*, p. 65.

¹⁰³ *Register of Paisley*, p. 263.

¹⁰⁴ *Ibid.*, p. 73.

¹⁰⁵ *Register of Arbroath*, Vol. II., pp. 40-42.

¹⁰⁶ Chambers's *History of Dunfermline*, p. 327.

review of the commercial relations of the kingdom and its coinage may be given. Indeed the materials for a full exposition of the inner life of the townspeople do not exist. We have no statistics of population, no register of births, marriages, or deaths, during this period, nor for long after.

The commerce of Scotland made little progress during these two centuries. The long war and the internal disorder were alike inimical to it. When Edward I. was engaged in his contest with the Scots, he endeavoured to persuade the Count of Flanders (1299) to drop all trade with the Scottish nation; but they were old friends, and Edward was informed that Flanders was a country open to all the world, and every person should have in it free admission.¹⁰⁷ In December, 1321, the King of Holland gave letters of safe conduct to Stephen Fourbous, burgess of Berwick, and James Will, burgess of St. Andrews, with their companions, to come, stay, and go, as they might require, in the countries of Zealand, Holland, and West Freseland. Two years later, Robert Bruce granted in return, to all merchants from Holland who came with their goods, free ingress and egress to any part of the kingdom, wherever they pleased to land; and directed that they should be honourably treated, and allowed to dispose of their merchandise according to the laws and usages of the country.¹⁰⁸

A definite commercial treaty was arranged with Holland in December, 1427, to endure for a hundred years and one day. From this early document we learn that the Scots merchants were allowed to import in bales their white cloths to any part of the provinces, and there have them dyed, and again carried back to Scotland, without let or hindrance. It seems our countrymen had not yet acquired the art of dyeing, at least in any degree of perfection; so this arrangement was important to them. Probably the Scots could spin and weave as well as the

¹⁰⁷ W. T. M'Cullagh's *Industrial History of Free Nations*, Vol. II, pp. 58, 59.

¹⁰⁸ *Ibid.*, pp. 76, 77.

butch, but the process of dyeing was less understood in Scotland.¹⁰⁹ The Scots at the end of the 15th century were still sending their white cloth to Zealand to be dyed, and re-importing it, though it is certain that dyeing was also done in Scotland.

We already noticed the solitary hint about the commercial relation between Scotland and the Hanse cities in the days of Wallace. From that time onward there is a long period of comparative silence about such matters. During the first quarter of the 15th century we meet with complaints from the Hanse cities that the Scots plundered their merchantmen; and repeated statutes of the Hanse League ordered that none of their members should trade with the Scots until redress or indemnification was obtained. At length, in the year 1445, these disputes and claims were amicably settled.¹¹⁰ In those times, and long after, the distinction between an honest trading ship and a pirate one was not nearly so sharply drawn as it is at the present day.

Times of dearth were frequent, and attempts were made to meet them by encouraging foreigners to import food, and regulating the modes of selling. In 1454 it was enacted that strangers bringing grain be favourably received and thankfully paid.¹¹¹ In 1478, 'because of the great scarcity of victuals within the country, the chief support of the realm has been, and is, from strangers of divers other nations, who bring victuals into the kingdom; but the new impositions put upon their goods have prevented them from coming to this country with their cargoes, and thereby all the king's subjects have been greatly hurt. It is therefore statuted that all strangers coming with their victuals and lawful merchandise shall be honourably and favourably entertained, and have free entry with their goods, according to use and custom. The king to have the first

¹⁰⁹ M'Cullagh's *Industrial History of Free Nations*, Vol. II., pp. 105, 106.

¹¹⁰ Tytler's *History of Scotland*, Vol. IV. ; App. ; pp. 394-401.

¹¹¹ *Acts Parl. Scot.*, Vol. II., pp. 36, 41.

and the best of it ; next, the lords of his council ; after that, the remnant to be sold among the people'.¹¹² This was again repeated (1482) with some additions. 'It was declared that any person buying goods from strangers and pretending that they were for the king's use, then selling them again, should be banished from the realm and all their moveables escheated. Any strangers, in or out of the kingdom, complaining of injuries done to them, should have immediate redress according to justice against any man in the nation. So, by the fair and honourable treatment of all strangers who come into the country hereafter, they may be encouraged to return, for the utility of the whole community.'¹¹³

It is hardly necessary to mention that the commercial policy of these times was often based on erroneous notions. The pressure, however, of actual want sometimes forced the adoption of the right course. It would be tedious and useless to enter into the details of such matters here : only a few instances need be given.

The parliament of 1467 ordained that none but burgesses living within the borough, or their factors and servants, should be allowed to sell or traffic in merchandise out of the kingdom. Even within the kingdom no craftsman was permitted to deal in merchandise himself, nor by his factor or servant, unless he first renounced his craft, that is, entirely ceased to work with his own hands ; and no man might pass out of the kingdom on business but a famous and worshipful man, having of his own half-a-last of goods, under a penalty of ten pounds.¹¹⁴

The same parliament enacted that no ship should be freighted by any of the king's subjects within the kingdom, or from a foreign port, without a formal charter party ; that the shipmaster should find a steersman and timber-man and a crew sufficient to manage the ship. If any dispute arose between the shipmaster and the merchantmen, it must be

¹¹² *Acts Parl. Scot.*, p. 119.

¹¹³ *Ibid.*, p. 144.

¹¹⁴ *Ibid.*, p. 86.

referred to the court of the borough to which the ship was freighted without exception. There were careful stipulations for the protection of the cargoes from damage. Every ship carrying more than five lasts of goods was required to pay to the chaplain of the Scottish nation in the port to which it was bound, one sack ; and every ship homeward bound, was to bring one ton of materials for the churchwork of the town to which it was freighted. No drink-money to be paid to the shipmaster or his agents. It was also ordained that no shipmaster sail his vessel hereafter during the winter months.¹¹⁵

The amount of the imports and exports for these two centuries cannot be exactly ascertained. The imports were various, including many articles in daily use and others of the nature of luxuries and ornaments. The exports mainly consisted of hides, wool, furs, salt fish, and salmon.¹¹⁶

We get some insight of the foreign trade of Scotland about the end of the 15th century from the ledger of Andrew Haliburton, a Scotch merchant, who acted as conservator of the privileges of the Scots at Middleburgh. The exports were little varied from those already mentioned. The imports were exceedingly miscellaneous, embracing various luxuries of the table—wines, olives, oranges, raisins, figs, a large assortment of articles of dress and ornament, and many things of common use ;¹¹⁷ which certainly indicates that the material and useful arts of life were as yet little developed in Scotland. The shipping of Scotland was not great, but, compared with the standard of the times, it may be regarded as considerable. The ships exhibit a vast advance on the primitive boats and wickerwork craft which we first met.

The early coinage of Scotland was already noticed. Down to the 14th century the money of England and Scotland seems

¹¹⁵ *Acts Parl. Scot.*, p. 87.

¹¹⁶ *Ibid.*, Vol. I., pp. 209, 338 ; Vol. II., pp. 6, 13, 174. *Borough Records, of Edinburgh*, Vol. I., pp. 3, 4, 7, 8, 23, 24, 43-47.

¹¹⁷ *Ledger of A. Haliburton*, pp. 10-13, 14-16, 22, 53, 63, 87, 182-185, *et seq.*

to have been about the same standard value. The first diminution of the standard money was in the reign of Robert I. This alteration of the coinage was founded upon the erroneous idea that the wealth of the kingdom could be increased by multiplying the number of pennies coined out of the pound of silver. In 1300 Edward I. ordered 243 pennies to be coined out of the standard pound of silver, instead of 240—the old rate. The King of Scotland went beyond this: he coined 252 pennies from the pound of silver.¹¹⁸ From this date till 1354 there appears to have been no change in the money of Scotland.

Edward III., finding himself hard pressed to pay the debts he incurred in his French war, attempted a bold stroke—to pay his creditors with less money than he had borrowed, commanded 260 pennies to be coined out of the standard pound of silver. Again, in 1346, he reduced the currency further, by coining 270 pennies out of the pound.¹¹⁹ The natural result of this was to raise the price of all the necessaries of life, which, of course, created great distress among the people.

The Steward, acting as Regent of Scotland, in 1354 issued a new coinage, even more depreciated than the money of England. The English Government informed the people of this change.¹²⁰ Hitherto the money of both kingdoms had passed current, but henceforth it was not so; the money of Scotland gradually became of less and less value than the English, till one coinage was established for the United Kingdom.

In 1366 the Scotch parliament ordered the money to be coined of the same weight and quality as the English; but the next year the Scotch currency was reduced. Owing to the large sum required to pay the king's ransom, and the extreme difficulty of raising it in a country torn by so many scourges, an act was passed commanding the standard pound of silver ¹⁰

¹¹⁸ Tytler's *History of Scotland*, Vol. II., p. 319.

¹¹⁹ *Ibid.*, p. 320.

¹²⁰ *Fœdera*, Vol. V., p. 813.

reduced in weight by ten pennies ; so the pound of silver would contain 29 shillings and 4 pennies ; and out of this 7 pennies were to be taken for the king's use. This act was passed in 1385. The real meaning of it was simply this—the pound of silver was now coined into 352 pennies : an enormous depreciation of the currency, and a great injustice inflicted on the people.¹²¹

The only coins as yet struck in Scotland were pennies, with their halves and quarters, and a few groats and half groats. There was no gold coinage before the reign of Robert II. The only money mentioned or circulating in the country prior to these were coins of other nations.¹²²

The state of the currency often engaged the attention of the legislature. The first parliament of James I. (1424) ordered the coinage to be amended, and struck of the same weight and fineness as the money of England. It was also declared, that the king can cause a new coinage to be struck whenever he pleases, if he deem it expedient for the kingdom.¹²³ Whatever effect the act had, it is certain that the phrase—"of the same weight and value as the money of England," was a figure of speech, and nothing more.

In 1451 parliament again thought it expedient to issue a new coinage, conforming in weight and fineness to the money of England. Eight groats were coined out of the ounce of refined silver ; and smaller coins, half groats, pennies, half pennies, and farthings, of proportional weight and fineness. The current value of the new groat was fixed at 8d., the half groat 4d., and so on the smaller ones. A new gold coin, called the lion, was to be struck, with the figure of a lion on the one side, and the figure of St. Andrew on the other, clothed in a side-coat

¹²¹ *Acts Parl. Scot.*, Vol. I., pp. 139, 144, 190.

¹²² Pinkerton's *History of Scotland*, Vol. I., p. 170. In early times the operation of coining was performed by placing the metal between two dies, struck with a hammer.

¹²³ *Acts Parl. Scot.*, Vol. II., p. 6.

reaching to his feet. This coin was to be the same weight as the English half noble. The current value of the lion was fixed at 6s. 8d. of the new coinage, and the half lion 3s. 4d. The demy, of the current value of 9s., after the issue of the new coinage, its value was to be fixed at 6s. 8d. At the same time an attempt was made to fix the value of the French and other foreign coins in circulation in Scotland. The master of the mint was held responsible for all the gold and silver struck under his authority ; and power was given him to choose, and punish when necessary, the persons working under him.¹²⁴

Some gold coins of the reign of James III. were called unicorns, from the superscription of the royal bearings. The copper coinage of Scotland commenced in 1466, according to the act for the sustentation of the people, and the giving of alms to the poor. This copper money consisted of four pieces or farthings to the penny ; imprinted on one side a St. Andrew's cross and the crown, and on the other—Edinburgh, James R. These coins were to pass current in payment of bread and ale, and merchandise up to 12 pence in the pound. The debased groats and pennies afterwards issued in this reign consisted of copper mixed with a little silver. They passed only for three pence, and were known by the name of the "black money". These black placks caused much discontent among the people. In 1485 they were recalled.¹²⁵

In one form or another the state of the coinage absorbed much time and thought. From the commencement of the reign of James I. to the end of the century, parliament passed upwards of forty acts relating to the coinage, the keeping of the money in the country, and the inbringing of bullion to the realm. Those ordering the keeping of the money within the kingdom and the inbringing of bullion from other countries are numerous.¹²⁶ The lawmakers of those days were completely

¹²⁴ *Acts Parl. Scot.*, Vol. II., pp. 39, 40. ¹²⁵ *Ibid.*, pp. 86, 172, 174.

¹²⁶ *Ibid.*, 5, 6, 9, 41, 46, 48, 88, 89, 90, 92, 97, 105, 106, 112, 118, 144, 166, 172, 182, 183, 208, 212, 214, 215, 226, 238.

possessed with the idea that mere money—gold, silver, and copper—constituted wealth. This need not surprise us, as such notions, even now, are not extinct in society. The tendency to regard gold and silver and the paper currency as real wealth, is exceedingly strong in human nature ; whereas it is at most only one of the elements of the complex whole which constitutes wealth and power. The essential and chief elements of the wealth and power of a kingdom consist in the energy, the intelligence, the industry, and the rectitude of its people ; these are the soul of all wealth, in conjunction, of course, with the natural resources of the country.

We learn from the statutes and other records that there was considerable variety of coins passing in the kingdom, but their exchangeable value was not very exactly ascertained among the Scots. As might be expected, there is a curious fluctuation in the value attached to the Scottish coins themselves. Seven nobles Scots, equal to one great pound of Flanders, is sometimes stated ; at other times, six nobles Scots for one great pound of Flanders ; again, eight to one, and, in some instances, five to one.¹²⁷

Touching the number of the population at the end of the 15th century, we have no certain information. Probably the entire inhabitants of the kingdom did not exceed 500,000. Late in the 14th century, we are told that Edinburgh contained 100 small houses ;¹²⁸ and by a common calculation its population would be about 16,000. At the end of the 15th century, in all likelihood, it had not passed 20,000.

The population of Perth in the 15th century was not above 1000 or 9,000. The parliaments and the national councils of the Scottish clergy often met there.¹²⁹ Aberdeen perhaps had a population of from 3,000 to 4,000 ; and Dundee might have about 3,000.

¹²⁷ *Acts of the Lords of Council*, pp. 5, 17, 67, 143. *Acts of the Lords' Councilors*, p. 34.

¹²⁸ Froissart's *Chronicles*, Vol. II., p. 35.

¹²⁹ *Statuta Eccles. Scot.*

St. Andrews, the residence of the Metropolitan of Scotland, with its rich possessions, fine cathedral, castle, many churches and religious houses, and the seat of a university, which all went to make it one of the chief towns of Scotland in the middle ages. Concerning the number of its inhabitants, however, I can find no satisfactory account. The local historians are vague. Mr. Lyon's two volumes are extremely disappointing on almost every point of interest, except church matters.¹³⁰ It appears the population of St. Andrews was then comparatively greater than it is now, which arose from the circumstances just noticed, and these lost their influence after the Reformation.

The attitude of the local aristocracy toward the townspeople has already been noticed. The haughty lords of the soil could not brook any independent body in the country but themselves; accordingly they became jealous of the growing prosperity of the burgesses, and their firm support of the crown. It suited the dark policy of the Scotch aristocracy to endeavour to enlist the citizens in their endless feuds with one another and with the crown; and, owing to the unsettled state of the country, they had little difficulty in obtaining a preponderating influence in the internal affairs of the boroughs. It is unnecessary to enter into all the details of this; a few instances will show the drift of the common practice.

The citizens of Aberdeen took lordship of the Earl of Mar, 1412. The meaning of that was, they were bound to assist the Earl in all his quarrels with his enemies.¹³¹ In 1439 the bailies and council admitted the noble Lord Erskine, Earl of

¹³⁰ Mr. Lyon has rare opinions on several church matters, one especially touching the punishment of sacrilege. If my memory does not deceive me, he moots this doctrine in his preface, alluding to it again and again throughout the first and second volumes, and finally closes the subject in an appendix, with an exposition of considerable length; his main contention being that sacrilege is punished by the failure of male issue. It is hardly necessary to say that he finds evidence in the history and fortune of Scotch families to satisfy him.

¹³¹ *Burgh Records of Aberdeen*, Vol. I., p. 389.

to the liberties of a free burgh of Aberdeen.¹³² The Town Council of Aberdeen, 1494, granted an acquittance of the Lord of £100.¹³³ In this way, by bonds, and by becoming vassals, the nobles obtained a controlling influence in the burghs. Parliament attempted to prevent the burghesses entering into bonds and leagues with the nobles, but in vain. It was enacted, 1457, that no one dwelling within any of the burghs enter into bonds of manrent, or ride armed with any arms except the king, his officer, or the head of the burgh; and no inhabitant of a burgh dare to purchase lordship for oppression of his neighbour. This act was repeated in 1491, with additions;¹³⁴ but it does not appear to have had the desired effect.

The citizens of Aberdeen called in the assistance of Sir Alexander Irving of Drum, 1440. They made him captain and governor of the city, placing all the civil and military government of the burgh at his disposal. It is said this is an early instance of the citizens putting themselves under military law.¹³⁵ In 1462 the council and community of Aberdeen granted their bond of manrent to the Earl of Albany.¹³⁶ They, however, took the precaution to reserve their allegiance to the crown and the freedom of the burgh; but the Earl of Huntly at a critical moment, 1487, boldly called on the burghesses to assist him against the Lord of the Isles, the Earl of Ross, and others with whom he had quarrelled. He demanded them to meet him, fully armed, at the Church of St. Nicholas. Meanwhile the townspeople had received a letter from James IV. desiring them to remain within the burgh; they declined to comply with Huntly's demand, alleging that they had neither horse nor men to send; besides, they had to defend the city against the English fleet, then hovering on the

Burgh Records of Aberdeen, p. 394.

¹³³ *Ibid.*, p. 55.

Acts Parl. Scot., Vol. II., pp. 50, 226, 227.

Burgh Records of Aberdeen, Vol. I., p. 6.

Ibid., pp. 22, 23.

coast.¹³⁷ The Earl still persisted in interfering with the citizens, and too often succeeded in getting them to further his purposes.

In 1472 the borough of Nairn and the whole community entered into a bond of manrent with Lord Fraser of Lovat, his heirs and successors.¹³⁸ In fact, throughout the kingdom all the royal boroughs were more or less under the influence of one or other of the nobles.

The active life of the townspeople throughout this period is strongly marked by features which may surprise the reader of the present day. An almost incredible spirit of monopoly prevailed; restriction, interference, and meddlesomeness with the trade and price of food and labour, and freedom of action on every hand, and an inquisitorial system of inspection which seems to exceed the limits of human endurance. To give a full exposition of this would lead beyond the scope of my work, outrun the bounds of my knowledge, and in all likelihood outrage the patience of my readers; but I shall exhibit as much of it as ought to dispel some long-standing delusions.

Among the early collections of laws relating to the royal boroughs there are two lists of the points which the Chamberlain took cognisance of in his circuits through the kingdom. The one belongs to the reign of Robert Bruce, and the other to the end of the 14th century.¹³⁹ In the few paragraphs given here on the subject the later one is chiefly used.

The mode of proceeding in the Chamberlain's court was formal, minute, and extremely inquisitorial. The Chamberlain's precept contains a summary of those who had to appear within and without the borough; then comes the breve to the sheriff and the mode of holding the court—the selection of a good

¹³⁷ *A Paper on the Social Condition of Scotland in the 15th and 16th Centuries*, p. 11. 1863.

¹³⁸ *Miscellany of the Spalding Club*, Vol. V., pp. 288, 289.

¹³⁹ *Ancient Laws and Customs of the Boroughs of Scotland*, Pref., p. 4.

assizes of the best and worthiest of the citizens ; after this, the business began.

The challenge of the bailies comes first, and numerous points touching the discharge of their duties were inquired into ; as that they were not always ready to do right and reason when required, according to the form of their oath ; that they do not treat the rich and the poor equally ; that they forbear to do justice through favour, hatred, or love of certain persons ; and they make bread and ale to sell against the laws of the borough ; that they do not cause the bread and ale, wine and flesh, to be examined every week, or at least every fifteen days, or other things which should be examined in the borough ; that they neglected to execute the commands of the king and the chamberlain ; that they have not caused the borough to be properly watched in the night, and make the poor folk watch and not the rich.¹⁴⁰

The duties of the officers of the borough—the sergeants and beadles—were next brought up, and a number of points enumerated ; such as, in collecting the charges for the king's justice they do not act justly, but some of their friends they spare, and others they disturb and charge too much ; that they collect more money than they give out, keeping part of it to themselves, to the scath of the community ; that they do not take all kinds of bread and ale for examination as they were ordained, but for their own profit, some they take and some they spare, so the assize is not well kept.¹⁴¹

In those days there were public ale tasters in every royal borough in the kingdom. And the points coming before the chamberlain's court were that the tasters were not ready when the sign was put out to taste ale ; that they fill their bellies drinking within the house, when they should stand in the middle of the street before the door and send one of their equals in with the beadle and choose what pot to taste, then

¹⁴⁰ *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 132-137.

¹⁴¹ *Ibid.*, p. 138.

present it to his fellows and thereafter, according to assizes, discern upon it; that they did not present defaulters before the bailie in the next court; that they hold no assize at all, but simply said the ale is good or it is bad.¹⁴²

There were public pricers of flesh in all the boroughs appointed by the town to fix the price of all meat. And the chamberlain was directed to inquire if the pricers of oxen, sheep, and swine, were always ready at the forth-putting of the sign to fix the price for the profit of the fleshers and the people. Many other minute regulations on this matter are enumerated.¹⁴³

The bakers, too, were looked after by the chamberlain if they kept more servants than the law allowed, which was four—the master, two servants, and a boy; that they did not bake each kind of bread as the law of the borough commanded, that is to say, bread of the finest flour, bread of the second quality, and bread baken of whole flour; that they did not bake according to the money, that is to say, penny bread, half-penny bread, and farthing bread. The millers, the brewers, and the fishers were all subjected to a long round of restrictions. Salmon fishers were challenged for selling at the water bank instead of the market of the borough.¹⁴⁴

The wine retailers were charged with selling it without tasteing, and for mixing bad wine with good. Those who bought goods before the lawful hour, or without the borough, were charged as regraters and forestallers.¹⁴⁵

The sons of St. Crispin were challenged for making shoes otherwise than the law had statuted and ordained, that is to say, the horn and ear are alike in length; and they make shoes and boots and other graith of the leather ere it is barked. They sew with false and rotten thread, and thus the shoes are lost or

¹⁴² *Ancient Laws and Customs of the Boroughs of Scotland*, p. 139.

¹⁴³ *Ibid.*, p. 140.

¹⁴⁴ *Ibid.*, pp. 141, 143, 145, 147.

¹⁴⁵ *Ibid.*, p. 146.

they be half worn ; and where they should give their leather good oil and tallow, they give it only water and salt, and work it before it is curried, to the great scath of the community.¹⁴⁶

The skinners were charged with making gloves of their leather before it is properly wrought, and for hungering their leather, that is to say, they do not give it enough of alum and eggs and other things. They sew and work with false thread ; and they defile the king's water.¹⁴⁷

The tailors were charged for making too much refuse and shreds of men's clothes, sometimes through haste, and sometimes for want of skill ; and they take to themselves pieces, shreds, sleeves, and other small things ; and make men's garments otherwise than they were ordered, and sew with false thread, and do not keep their appointments. They set up as masters before they have a proper knowledge of the craft, to the great scath of the king and his people.¹⁴⁸

This interference in the affairs of every-day life to save one part of society from the other will prepare us to understand the internal policy of the Scotch boroughs, and enable us to catch a glimpse of the arbitrary powers exercised by the authorities of the times. The society of the borough was anything rather than democratic ; indeed, it may be questioned if the advantages derived from them to the march of civilisation has not been exaggerated.

That the drift of the laws just indicated were not allowed to remain inoperative, the records of the boroughs themselves plainly show. The head court of Peebles, 1450, appointed four men to the office of ale tasters, and other four to fix the price of flesh. Such officials were regularly appointed.¹⁴⁹ Even the incomplete records of Edinburgh in the 15th century bear witness to the regular appointment of ale tasters and price

¹⁴⁶ *Ancient Laws and Customs of the Boroughs of Scotland*, p. 148.

¹⁴⁷ *Ibid.*, p. 149.

¹⁴⁸ *Ibid.*, pp. 149, 150.

¹⁴⁹ *Burgh Records of Peebles*, pp. 111, 121, 128, 133, 138, 141, 142, 147, 152, 154, 156, 158, 166, 169, 172.

fixers.¹⁵⁰ It was ordained by the town council of Aberdeen, 1434, that no one brew or sell ale dearer than four or six pence, as it shall be fixed, under the penalty of forfeiting their brewing gear, the ale, and exclusion from the trade for a year and a day.¹⁵¹ In 1458 the head court of Peebles ordained that any brewer who breaks the fixed price shall be fined the first time one gallon of ale, the second time two, the third time three, and the fourth, eight shillings.¹⁵² Again, the authorities of this borough, 1471, ordered the best ale to be sold at tenpence the gallon, or cheaper, if the ale tasters deemed it right, and the second quality at eightpence the gallon; and whoever breaks the price, shall be fined ten shillings.¹⁵³ The provost and bailies of Edinburgh, 1492, proclaimed that no person shall sell ale dearer than eight pence and twelve pence the gallon, under the pain of extreme punishment according to the statutes of the borough; and in 1499 it was ordained by the authorities of this town that no one sell ale dearer than sixteen pence the gallon, under the penalty of knocking off the head of the barrel and dividing the ale.¹⁵⁴

The price of meal, wheat, and bread were all fixed by the local authorities. In 1492 the assize at Edinburgh ordained the price of wheat to be ten shillings and sixpence the boll, good and sufficient stuff; and the price of malt, eighteen shillings the load.¹⁵⁵ The good men of the inquest in Peebles, 1462, statuted and ordained that whosoever breaks the price of bread or ale, from him shall be taken twelve pence for the buying of a clock. At the same time it was ordained for this happy town, that whosoever buys, either within or without the borough, skins, wool, or white cloth from unfreemen, from them

¹⁵⁰ *Burgh Records of Edinburgh*, Vol. I., pp. 14, 26, 19, 28.

¹⁵¹ *Burgh Records of Aberdeen*, Vol. I., p. 390.

¹⁵² *Burgh Records of Peebles*, p. 128.

¹⁵³ *Ibid.*, p. 166.

¹⁵⁴ *Burgh Records of Edinburgh*, Vol. I., pp. 62, 75.

¹⁵⁵ *Ibid.*, p. 62.

ll be taken six pence to the clock.¹⁵⁶ The town council of ardeen (1434) ordered that no baker break the price and ght which is given him by the bailies ; and whoever does, the first fault he shall pay eight shillings, the second sixteen lings, the third his bread to be escheated, himself put on pillory, and excluded from his craft for a year and a day : h baker to have his own mark on his loaf that it may be own, and whosoever is convicted, must pay eight shillings. the same time, fleshers convicted for breaking the price or ing flesh before it was priced, were to be fined eight shillings the first and second offence, and the third time, the flesh to escheated, and the man excluded from his trade for a year a day.¹⁵⁷

No huckster was allowed to buy things before eleven o'clock er the penalty of escheating it ; and neither man nor woman ht pass out of the town to buy anything until it be brought he market. No fisher of salmon to sell his fish till it be wn in the market, nor store more than those caught in the ht, and next morning bring them to the market, under a fine eight shillings. When the bailies neglect to enforce these nts, then they shall be reported to the king, and each of them erced ten pound to the king without remission.¹⁵⁸

It was enacted, 1441, by the town council of Aberdeen, for good of the community, that no flesher, nor other man, nor reeman, buy any kind of fish till they come to the market ; no one dare again to buy and raise a dearth on the mons any sort of fish till the height of the day be passed, er the pain of escheating it, and eight shillings unforgiven. profit of a dealer in fish was regulated in this fashion—if ost him twelve pence, he was allowed one penny ; when it eeded twelve pence, two pence ; and so on, for each shilling nny.¹⁵⁹

¹⁵⁶ *Burgh Records of Peebles*, p. 147.

¹⁵⁷ *Burgh Records of Aberdeen*, Vol. I., p. 390.

¹⁵⁸ *Ibid.*, p. 391. ¹⁵⁹ *Ibid.*, pp. 396, 397.

It was enacted that no man buy more victuals than sufficed his own house, to top again a dearth upon the commons. If any one bought victuals to sell, he must bring it to the open market on the market day, under the usual penalty, without favour.¹⁶⁰

The brethren of guild ordained (1442) that no one give more for wool than 6s. 8d. the stone. If any one buys at a higher figure, he must pay to the common profit of the town each time 40s. without remission. The price of skins with the wool on them was fixed in a similar manner.¹⁶¹

Many of the borough statutes are aimed against a class of persons called forestallers and regraters. They were persons who bought things before the market, before the appointed time of selling, or who bought and afterwards sold goods for greater profits than was lawful. The records of Aberdeen contain much information about them. In 1402 we find a list of forestallers—ninety-five in number—within Aberdeenshire. They are denounced in the statutes of the council, and frequently severely punished.¹⁶²

The laws and regulations which we have briefly noticed were generally enforced within the boroughs. In 1443 Alexander Lammynton was fined for selling flesh above the fixed price; and in 1492 three men were put in the pillory, their pecks broken, and fined 8s. each, for having pecks of too small measure.¹⁶³ At Edinburgh (1495) in one day there were 22 persons, all bakers, convicted by a jury for buying and regrating French flour;¹⁶⁴ and on the 8th of January, 1499, there were 50 brewster-wives convicted at once for breaking the statutes.¹⁶⁵

¹⁶⁰ *Burgh Records of Aberdeen*, p. 397.

¹⁶¹ *Ibid.*, p. 397.

¹⁶² *Ibid.*, pp. 383, 384, 385, 402, 445. *Burgh Records of Edinburgh*, Vol. I., pp. 36, 97.

¹⁶³ *Burgh Records of Aberdeen*, Vol. I., pp. 398, 419.

¹⁶⁴ *Burgh Records of Edinburgh*, Vol. I., p. 69.

¹⁶⁵ *Ibid.*, p. 75.

We can hardly realise the intense spirit of monopoly then prevailing in the boroughs. Within the limits of the town there was a complete monopoly of manufacture and commerce ; indeed some of the charters granted to the burgesses a monopoly of trade throughout the surrounding county, as Perth had an exclusive privilege of manufacture and trade over the whole of Perthshire ; and Aberdeen, Inverness, and Edinburgh had similar rights of trading in their several counties.¹⁶⁶

The guild brethren were in possession of an absolute monopoly of commerce, that is, of buying and selling within the borough. The borough laws and customs, the local statutes of the boroughs themselves, contain endless evidence of this ; and Acts of Parliament proclaim it in distinct terms. No one was permitted to work at their craft and deal in merchandise of any sort ; if they commenced the one, they were compelled to drop the other.¹⁶⁷

Whatever may have been the relation of the guild brethren to the other classes of the citizens, that is, the craftsmen and working people, in the early stages of the Scottish boroughs, or how far they shared with the guild in the monopoly of commerce, it is of comparatively little importance, as it is pretty well ascertained that the guild assumed the chief influence among the citizens from an early period ;¹⁶⁸ and the larger body of the citizens naturally began gradually to form themselves into separate associations, with a distinct view to their own interest.

To attempt to trace in detail the origin and formation of the fraternities of trades and craftsmen is not within the compass of this work ; indeed it is hardly necessary, as early in the 14th century the distinction between the merchants and craftsmen

¹⁶⁶ *Ancient Laws and Customs of the Burghs of Scotland*, p. 37 ; Preface.

¹⁶⁷ *Acts Parl. Scot.*, Vol. I., pp. 49, 86, 178, 209 ; Vol. II., pp. 8, 178. *Burgh Records of Edinburgh*, Vol. I., pp. 65, 78, 79. *Burgh Records of Aberdeen*, Vol. I., p. 67.

¹⁶⁸ See Ch. IV., p. 250.

was palpable and complete, and pressed to such a degree as to cramp the whole industry of the kingdom.

Unlike the merchant guilds the craftsmen were not favoured either by the crown or the parliament. The crown and the legislature often interfered to protect the exclusive privileges of the guilds; but we will look in vain for any early charter from the crown, or Act of Parliament, legalising the incorporation of the craftsmen. They rose into importance by the sheer force of their own energy. As we have already seen, they were subjected to a severe and exacting system of inspection. When parliament did interfere with the craftsmen, it was with the professed object of guarding the public against their impositions—an exceedingly convenient pretext, which those in power have rarely failed to shelter themselves under.

Parliament passed an act (1424) for the purpose of checking the frauds of craftsmen. It ordained 'that in every town of the realm, among each craft there should be chosen a wise man of their craft by the rest of that craft, and by the council of the officers of the town; and the man thus chosen to be deacon over the craft for the time assigned. The duties of the deacons were to essay and inspect the work of the craftsmen, so that the people may not be defrauded and scathed, as they have been in bygone time by untrue men of craft.'¹⁶⁹

It seems probable the "men of craft," as they were then called, under the powers which the act conferred, proceeded to assemble and combine in a style which alarmed the merchant guilds throughout the kingdom. It was declared by parliament (1426) that the deacons should have no corrective power over the rest of the craftsmen, except to see to the sufficiency of their work, which he was to examine once every fifteen days. It was ordained that the sworn aldermen and council of every town should price the materials of each craft, and consider the cost of the labour of the workmen, and thereafter fix the price

¹⁶⁹ *Acts Parl. Scot.*, Vol. II., p. 8.

f the work, and proclaim it to the people. The town councils were also required to fix the wages of the craftsmen who work on other men's materials, the wrights, masons, and the like. And wrights, masons, and other craftsmen who take in hand more work than they can accomplish were to be punished.¹⁷⁰

But the acts recognising the standing of the craftsmen and the deacons were repealed (1427) and the action of the craftsmen denounced as noxious to the commons and the whole nation. They were therefore prohibited from electing deacons, or congregating and conspiring.¹⁷¹ This excessive jealousy of the growing importance of the working people in the towns was no momentary outburst; it continued to manifest itself for more than another century ere the settlement of the different classes of the burghal population was effected.

There is little more in the acts of parliament about the craftsmen and their deacons for a number of years. In 1459 the goldsmiths were recognised and treated as an established fraternity in an act of parliament regulating the quality of gold and silver work.¹⁷² The body of the craftsmen, however, were regarded with distrust and suspicion by the crown and the states of the realm. Parliament passed an act (1493) announcing 'that it was clearly understood by the king and the three states, that deacons of craftsmen in boroughs are extremely dangerous, and may cause great trouble by the convocating and raising of the king's lieges, and by their statute-making against the common weal for their own profit, which deserves severe punishment. Those craftsmen who assemble and frame rules, such that they should have wages for holidays, or else they shall not labour. And when any of them began a job and left it unfinished, then none of his craft dare complete it. It is therefore ordained that all deacons shall cease for one year, having the power only to examine the material, and the quality

¹⁷⁰ *Acts Parl. Scot.*, Vol. II., p. 13.

¹⁷¹ *Ibid.*, p. 14.

¹⁷² *Ibid.*, pp. 48, 49.

of the work, along with the rest of his craft. And masons, and wrights, and other craftsmen who statute that they should have their wages for the holidays as for work days, all the makers of such shall be indicted as common oppressors of the lieges by their statutes, and the justice-clerk shall proceed thereupon and punish them as oppressors ; likewise the makers of the rules that when one man begins a job no one else can end it, shall be punished as oppressors, as above written.¹⁷³

Notwithstanding this and other attempts to crush the fraternities of craftsmen, the custom of incorporating them gradually came to be adopted throughout the kingdom. The mode of doing this was pretty uniform, and consisted in granting letters under the seal of the borough court, called a seal of cause. There is some variation in the tenor of these writings, some of them expressly prohibited all persons from working who were not freemen of the craft, others only gave the craft the privilege of admitting new members, inspecting materials, making bye-laws, electing office-bearers, and having a box or common good. In all of them, of course, there was implied a strict monopoly within the limits of the borough, as it existed at the date of the grant.¹⁷⁴

In illustration of what has just been stated, and casting light on the common arts of life, Edinburgh may be taken as a favourable example of the whole kingdom in the later half of the 15th century. The provost and council of Edinburgh (1473) granted a seal of cause to the hatmakers of the borough. In the body of this deed it is stated among other rules, that no master should take apprentices for a shorter time than seven years. If, however, any of the craftsmen's sons become apprenticed, he shall only be bound for three years. The hatmakers also thought it very proper and profitable that no one of their craft should sew, renew, or mend any old hats.¹⁷⁵

¹⁷³ *Acts Parl. Scot.*, Vol. II., p. 234.

¹⁷⁴ *General Report on Municipal Corporations of Scotland*, pp. 79, 80. 1835.

¹⁷⁵ *Burgh Records of Edinburgh*, Vol. I., pp. 28-30.

The provost, the council, and all the deacons of the crafts of Edinburgh (1475) granted a seal of cause to the wrights masons—"For the honour and worship of St. John, and sustentation of divine service, for the right ruling of these two crafts, alike profitable to the workers and all builders." Among the rules in this deed no master is permitted to take apprentices for a shorter term than seven years, and each apprentice at his entry to pay to the altar of St. John, in the church of St. Giles a mark.¹⁷⁶

In 1475 the provost and council of Edinburgh granted a seal of cause to the weavers—"For the honour and love of Almighty God, and his mother the Virgin Mary, and St. Servanus, supporting and upholding of divine service, and apperaling of the altar of St. Servanus, founded and upheld by them in St. Servanus' Church, and for the management of their work, labour, good and worship of the kingdom, the common profit of the crafts and divers other things". In this deed it is stated, the whole craftsmen may choose yearly a deacon, as other craftsmen do, who shall rule and govern the craft; all the men shall obey the deacon in honest and lawful things touching the craft. The deacon is to be chosen by freemen of the craft who are burgesses, no one else to have any voice therein. No master to take apprentices for a shorter term than five years, and each apprentice must pay at his entry five shillings to the altar of St. Servanus. Every man and woman who occupies the craft shall give the priest his meat, and every week give to the altar a penny, and each hired servant shall give fourpence a-year. All men who disobey the deacon, and refuse to abide by the ordinances and statutes of the craft, for each offence they shall pay a pound of wax without favour. No woman may act as a master, or hold a workhouse, unless she be a freeman's wife.¹⁷⁷

The provost and council of Edinburgh (1483) granted a seal

¹⁷⁶ *Burgh Records of Edinburgh*, Vol. I., pp. 31, 32.

¹⁷⁷ *Ibid.*, pp. 33, 34.

of cause to the hammermen. Herein are named the blacksmiths, goldsmiths, lorimers, saddlers, cutlers, bucklemakers, and armourers. There are a number of very minute rules in this deed for the regulation and profit of the various crafts. They are on the lines of monopoly and restriction which has already been noticed.¹⁷⁸

The magistrates and council of Edinburgh (1488) incorporated the fleshers. The first rule in this deed is a declaration to the effect that the deacon and principal masters of the craft within the borough deem it expedient for the common profit that all unfreemen, lads, and boys be expelled therefrom, unless they either bind themselves as hired men or apprentices.¹⁷⁹ The coopers were incorporated in Edinburgh (1500); and in the other boroughs of the kingdom, the various classes of craftsmen began to be incorporated about the same time as those of Edinburgh.¹⁸⁰

The craftsmen will again and again come before us. Meanwhile it must be noted that the prevailing religion was completely interwoven with the proceedings of the workmen and the whole life of the people. Do what they might, the saint, the altar, and the hand of the priest was upon them. Some historians call this superstition, and deride it with scorn. It is easy to do so, but to me such things present a very different significance. It is the manifestation of an essential element of human nature, which always and everywhere appears according to its light.

The mechanical skill and manipulating power of the craftsmen of Scotland in the 15th century was certainly not high, nor very great in quantity. The mineral resources of the country had as yet hardly been touched. The blacksmiths, whom we have seen incorporated, were very unskilful in shoeing

¹⁷⁸ *Burgh Records of Edinburgh*, Vol. I., pp. 47, 48.

¹⁷⁹ *Ibid.*, pp. 54, 55.

¹⁸⁰ *Ibid.*, pp. 180-183.

horse. An act of parliament (1478) states that the smiths through ignorance and drunkenness, hurt and cripple men's horses by shoeing in the quick. It was, therefore, ordained, that whenever a smith shods a horse into the quick, he must pay the cost of the horse till his feet be hale, and find the owner another to ride upon or labour. If the horse be crippled beyond recovery, then the smith shall pay the price of him to the owner.¹⁸¹ Indeed, the restrictive system then, and long after enforced, was ill calculated to develop the ingenuity and energy of the people in the departments of useful art.

The habits of the towns' people were essentially military; and the whole population of the kingdom was animated with a warlike spirit, which was fed by internal commotions, and the pressure of external enemies. The citizens were often commanded to have their weapons ready, even beside them in their shops and booths, to face any sudden emergency or brawl which might arise on the streets.¹⁸² They had to defend themselves, watch and ward, and uphold the order and honour of the town against all comers.

The defence of the country loomed much in the mind of the nation and consumed a great part of its energy. Again and again parliament passed acts ordering the sheriffs of the counties and the magistrates of the boroughs to hold weaponschawings—musters of the fighting men of the realm—four times in the year, including all men from sixteen to sixty years of age.¹⁸³

These acts throw light on the habits and armour of the people. The weapons and armour of the different ranks of society were enumerated in an Act of Parliament, 1429; again, in the reign of James II., 1456. This absorbing matter also occupied the parliaments of James III. and James IV. The act of 1429 enjoined that every man who dispendis twenty pounds

¹⁸¹ *Acts Parl. Scot.*, Vol. II., p. 119.

¹⁸² *Burgh Records of Aberdeen*, Vol. I., pp. 8, 9. *Burgh Records of Edinburgh*, Vol. I., pp. 68, 72.

¹⁸³ *Acts Parl. Scot.*, Vol. II., pp. 8, 10, 45, 48, 100, 133, 164, 226.

yearly, or has a hundred pounds' worth of moveable goods should be well horsed and fully armed. Those of lower rank, with ten pounds of yearly rent, or fifty pounds of moveable property, to furnish themselves with a helmet and gorget, vambrace, breastplate, greaves to cover the front of the thighs and legs, and iron gauntlets. Every yeoman worth twenty pounds was required to arm himself with a doublet of fence, an iron hat, a bow and a sheaf of arrows, a sword, buckler, and a knife. Men worth ten pounds, to have a bow and a sheaf of arrows, a sword, buckler, and knife. All those who could not handle the bow, to have a good strong hat, a doublet of fence, a sword, buckler, and a good axe, or else a pointed staff. Every burgess worth fifty pounds was commanded to be completely armed as a gentleman ought to be ; and citizens worth twenty pounds to have a stout hat, doublet and habergeon, a bow and sheaf of arrows, a sword, buckler, and knife ; those not bowmen to have a good axe, and fencible weapons. Severe penalties were to be inflicted on those entrusted with the carrying out of the acts, if they neglected to comply with their requirements.¹⁸⁴

Some of the armour and weapons were imported. The parliament enacted (1425) that all merchants passing beyond seas should bring home, besides their common cargoes, as much harness and armour, spear shafts and bow-strings, as they could.¹⁸⁵

It is needless to repeat all the references to the arms of the people scattered through the acts ; much the same sorts recur to the end of the century. The spear was the favourite weapon of the Scottish infantry. Its length was five to six ells,¹⁸⁶ and the Scots handled it with great ease and remarkable effect. They were singularly deficient, however, in the use of the bow ; and, owing to the superiority of the English in this arm, the Scottish army often suffered severely. James I. and the succeeding kings

¹⁸⁴ *Acts Parl. Scot.*, Vol. II., pp. 18, 19.

¹⁸⁵ *Ibid.*, p. 9.

¹⁸⁶ *Ibid.*, pp. 100, 132.

earnestly endeavoured to supersede the spear by the bow ; but they utterly failed, though many expedients were tried to induce the people to employ the bow. All the young were commanded to learn the use of the bow ; butts were ordered to be erected throughout the country, especially beside the parish churches, and every man to shoot thrice. In 1457 a pair of butts were ordered to be erected at every parish church, and shooting to be practised every Sunday ; each man to shoot at least six times, under a fine of two pence on every man absent, and this money to be spent on drink among those who attended :¹⁸⁷ and enactments were passed in the 15th century prohibiting the national pastimes of golf and football, with the aim of promoting the exercise of archery ;¹⁸⁸ but, in spite of injunctions, these attempts to change the national habits proved fruitless.

According to the feudal usage, the command of the army belonged to the king, and the most experienced of the nobles led the main divisions or battles of the army—usually four—the right and left wings, the centre, and the reserve. The arrangement of what may be called the sub-divisions and sections of the army seems to have been by clans, where the small barons and chiefs acted as subordinate commanders, often by hereditary right. The soldiers were the vassals of their respective chiefs, not of the king ; hence the curious fact of the royal authority waning in war and increasing in peace. The most daring acts of interference with the powers of the crown happened on the array of the feudal army.

The pith of the Scottish army always consisted of infantry ; they were never strong in cavalry. For quickness of movement, the men were often mounted on small hardy horses, which enabled them to march long distances in a short time. Each man was required to fetch with him provisions for forty days, which usually consisted of a bag of oatmeal trussed to the

¹⁸⁷ *Acts Parl. Scot.*, Vol. II., pp. 6, 48.

¹⁸⁸ *Ibid.*, pp. 5, 48, 100.

saddle. They mainly trusted to the pillage of their enemy for food.

The distinctive tactics of the Scots are well known. The foot soldiers fought in deep battalions, usually square, though sometimes circular. This compact phalanx was admirably adapted for resisting cavalry charges, or indeed any form of attack at close quarters; but the deficiency of the Scottish army was the want of a force to meet the English bowmen, who often severely galled the ranks of the spearmen from a distance. So the fate of a battle was often a question of time—of how long the square of spearmen could endure the double attack of a shower of arrows and cavalry charges. It is a striking proof of the natural energy, and the intense national spirit of the Scots, when they fought under such harrowing conditions, and did not succumb to the unequal pressure.

About the middle of the 14th century, cannon began to be employed in the attack and defence of fortified places, instead of the old battering-ram, sow, and other engines of destruction. James I. and his successors turned their attention to the construction of cannon, or “carts of war,” as they called them; but the Scots never attained to any great proficiency in the art of using artillery.¹⁸⁹

The state of crime among the population of a kingdom is a matter of great importance. The acts of parliament contain some valuable information concerning this, and a few facts may be gathered from the records of the boroughs. Crimes of theft and violence were extremely rife, and it was to this class of offences to which the acts were mostly directed. The names of the criminal classes, and the vocabulary of crimes, were numerous

¹⁸⁹ The act passed 1456, is couched in these terms—“It is thought expedient that the king request certain of the great barons of the land who are of any might, to make carts of war, and in each cart two guns, and each of them to have two chambers, with the graith pertaining thereto, and a cunning man to shoot them. If they have not skill to shoot them now, they may learn or the time come when it will be necessary to have them”. *Acts Parl. Scot.*, Vol. II., p. 45. This act was often repeated, but little came of it. See pp. 99, 100, 105.

and descriptive—riever, sorners, thiggers, beggars, masterful robbers, oppressors, and other vagabonds swarmed throughout the country, committing slaughter, open reft, spoliation, theft, herships, burnings, destructions, and other enormities.

We already handled the custom prevailing among the aristocracy, the bishops, and other gentry, of living at free quarters on the fruits of the industrious people when they were passing through the country. The class now to be described bore a rather strong resemblance in their mode of living to these characteristic traits of the aristocracy. The sorners and masterful beggars had this in common with the aristocracy—both reaped where they had not sown, and appropriated the products of the honest people of the kingdom. You may draw a distinction, and call the one a customary way of living, the other robbery or theft; but this does not alter the nature of the evil. If my corn and goods are taken and consumed by a party passing through the country, the injury is the same to me whether it is done by nobles, sorners, or beggars. The historian is bound by the dictates of justice to treat high and low on an equal platform; unless he is prepared for this, he can never hope to reach the roots of evil.

The parliament enacted (1424) “that no companies passing through the country lie upon any of the king’s subjects, nor thig nor sorn their horses upon the kirkmen and husbandmen. If any complent be made on such trespassers to the sheriff, he must arrest and challenge them as brakere of the king’s peace; and if they be convicted, they were to be punished, and find bail to satisfy the king and the injured party. Though these trespassers were hurt while being arrested, no one was to be blamed but themselves. The sheriffs were also directed to inquire at every head court if any defaulters of this description were within their sheriffdom, and if any were found, to punish them.”¹⁹⁰ This act shows the nature of the crime of sorning;

¹⁹⁰ *Acts Parl. Scot.*, Vol. II., pp. 3, 4.

the sorners and thiggers lived on the people, and fed their horses on the corn and grass of the husbandmen.

Many acts were passed in the 15th century against the sorners and masterful beggars. Parliament ordained (1449) "for the putting away of sorners, overliers, and masterful beggars with horses and hounds, that all the officers, sheriffs, barons, and bailies, within boroughs and without, take an inquisition of these at every court which they held ; and when any were found, then their horses and hounds and other goods were to be escheated to the king, and their persons put into ward until the king delivered his will concerning them." The crown officers were also ordered to inquire at every court 'if there were any who made themselves fools, who were not bards, or such like runners about. If any were found, they were to be imprisoned or put in irons, and detained as long as they had anything of their own to live upon, and after this was consumed, then their ears were to be nailed to the trone and cut off, and banished out of the country ; afterwards, if they be found in the kingdom, they shall be hanged.'¹⁹¹ This, however, did not extinguish the sorners ; six years later parliament passed another act against them. It ordered that, henceforth, whenever any sorners were taken, to deliver them to the sheriffs, and forthwith the King's Justice shall execute the law upon them as thieves and robbers.¹⁹² Again (1457) it was commanded that an inquisition should be taken of the sorners, bards, masterful beggars, and feigned fools, and banish them out of the country, or send them to the king.¹⁹³ Once more (1478) for stanching the masterful beggars and sorners who daily oppress and harry the king's poor lieges, it was ordained that the acts before passed be put in sharp execution, that is to say, wherever sorners were overtaken, arrest and deliver them to the sheriff, and execute the law upon them, as on a common

¹⁹¹ *Acts Parl. Scot.*, Vol. II., p. 38.

¹⁹² *Acts Parl. Scot.*, Vol. II., pp. 43-45.

¹⁹³ *Ibid.*, p. 51.

also indictment to be made thereupon every year in the ayre, and punishment to follow accordingly.¹⁹⁴

ging, however, under limits, was authorised by act of ent (1424). The act stated that none between the age of 1 and sixty would be permitted to beg, unless it was that they cannot live otherwise. Such helpless persons to beg in the kingdom were to have a certain token them by the sheriff of the district, and in towns by the

Those not having tokens were to be charged by nation to betake themselves to honest labour and gain ving, under the pain of burning on the cheek and nent out of the country. This act was often repeated, ditions; but the beggars still multiplied and filled the

es I. passed an act of parliament (1425) ordering the and bailies to inquire concerning all the idle men within unds, who have nothing of their own to live upon; and t and keep them till they find caution not to scath the ; then allow them forty days to get masters or engage ves to some lawful craft. When the forty days were they were still idle, the sheriff was to arrest them again d them to the king, who shall punish them as he thinks ⁹⁶ This is one among many of the notable efforts which L. put forth to check the predatory and idle habits which d all ranks in Scotland.

ft and robbery were extremely rife throughout the n, and often passed unpunished. Nothing like a regular ctive system of prevention and detection of crime had e into operation. Parliament passed many acts, but re of little avail to stem the torrent of inherited violence ury which raged everywhere.¹⁹⁷

Acts Parl. Scot., Vol. II., p. 119.

id., pp. 8, 15, 49, 50. 251.

id., p. 11.

id., pp. 3, 25.

Murder, manslaughter, and rape were very common, and numerous acts of parliament were passed for stanching them, but in vain. The means for detecting and apprehending the guilty were deplorably deficient, and when the criminal was convicted, he was often pardoned.¹⁹⁸ It was enacted (1491) 'when any man happens to be slain or dismembered within the realm, without delay, as hastily as the sheriff, steward, or bailie of regality can be informed thereof, either by the party complainant or in any other way, he shall pursue the slayer, and raise the king's horn on him, and raise the country in his support, until the criminal be overtaken; and if he be caught, he must be brought to the king or else kept in sure custody till the king be certified of him, and has answered what is to be done thereon. If the murderer escapes out of the sheriffdom, then the sheriff shall send one of his officers to the sheriff of the next county and inform him of this man, who is a fugitive from the law. Then that sheriff, without delay, shall pursue the criminal through his sheriffdom, and so forth, from sheriffdom to sheriffdom, until he be taken or put out of the country. But where the murderer flies into a regality out of the royalty, the sheriff must immediately inform the lord of the regality and his bailie, and they shall pursue the criminal as the sheriff did. Wherever he chances to be taken, the sheriff or the bailie of the regality shall send him to the next sheriff, and so on, from sheriff to sheriff, till he be returned to the shire where the deed was committed; and there justice shall be done. If it be forethought felony, that is, premeditated murder, he shall be executed. When any of the sheriffs or officers neglect their duty herein, if they are hereditary, they shall forfeit their office

¹⁹⁸ Many remissions were given every year. See *Acts Parl. Scot.*, Vol. II., pp. 176, 256. Parliament enacted (1487) that no remission for the crimes of treason, murder, rape, violent reif, slaughter, common theft, receipt of theft, and false coining, should be granted for seven years. It seems there was a custom of selling thieves among the barons, that is, saving them from punishment. *Acts Parl. Scot.*, Vol. II., pp. 176, 23.

r three years ; and if they hold office by appointment, they shall lose it evermore.' ¹⁹⁹

The great difficulty here arose from the numerous regalities granted in Scotland, with their extensive and exclusive jurisdictions. We see the officers of the crown could not follow even a murderer when he entered a regality ; so the result was often this, a powerful lord of a regality, whenever it suited him, could screen from the hand of justice the blackest criminal in the kingdom. Many of the sheriffs themselves were hereditary, and the feebleness of the crown is palpable from the trifling penalty attached to the malversation of hereditary officials.²⁰⁰ Something stronger than acts of parliament was required to break the lawless habits of society. It is only moral power which gradually refines the feelings and widens the better sentiments of human nature, that finally improves the state of society.

There were many other crimes common enough in the kingdom which need not be described, as counterfeit coiners, reporters of poison, users of false weights and measures, and so on.²⁰¹

Criminal cases in the boroughs were mostly decided by a jury varying in number from five to twenty. Their verdict settled the truth of the assertions of the parties, and then the judge applied the law to the fact. The adjustment, however, of the issues seems to have been pretty swift.²⁰² The greater part of this system of borough law is now obsolete, though fragments of it under more or less disguise still survive.

The modes of punishing offenders were various, but not very numerous. Fines, banishment from the town, burning on the heel, cutting off the ear, and penance performed in the church

¹⁹⁹ *Acts Parl. Scot.*, Vol. II., p. 225.

²⁰⁰ *The History of the Sheriff Courts*, by John Dove Wilson, pp. 8, 9, 15. My references are to the Article as reprinted (1874) in a separate form ; it was added as an Introduction to the Author's treatise on *Sheriff Court Practice*.

²⁰¹ *Acts Parl. Scot.*, Vol. II., pp. 43, 144, 182, 39, 226, *et seq.*

²⁰² *Burgh Records of Aberdeen*, Vol. I., pp. 13, 14, Preface.

were common punishments. There were also several forms of torture. The Scotch joughs and branks are old instruments of punishment. They simply consisted of an iron collar attached by a chain to a pillar or tree; in legal phrase they corresponded to the English stocks, but the Scotch instruments were only applied to the neck. The usual form of our joughs, was a flat iron collar with distended loops, and through them a padlock was passed to secure the culprit in his ignominious durance. The branks again, were mostly used as an instrument of ecclesiastical punishment, for the coercion of female scolds and those convicted of slander and defamation. They are something like a skeleton iron helmet, with a gag of the same metal, which entered the mouth, and bridled that unruly member the tongue. The branks are of high antiquity, and probably they were sometimes employed for purposes of great cruelty.²⁰³

An instance of penance may be given, they occur frequently in the borough records. In 1492, 'Philip Whithede was amerced by the court for the wrongous disturbance of Thomas Bard, Thomas also was amerced for the disturbance of Philip. Moreover, the court ordained Philip to come on Sunday next with a candle of one pound of wax, in the time of high mass, and bring with him his knife drawn holding it by the point, and deliver it to Thomas and ask him forgiveness, and beseech the worthy men present to pray that Thomas remit the offence done to him, and then offer the candle to the Holy Blood light'.²⁰⁴

Fights and slaughters were common in the towns, and many bye-laws were passed to suppress them.²⁰⁵ In 1398, there was a charge of rebellion against the town's sergeant of Aberdeen, and the next year the bailies themselves were charged with

²⁰³ *Burgh Records of Aberdeen*, pp. 24, 46, 319, 390, 402, 412. *Burgh Records of Edinburgh*, Vol. I., p. 86. *Burgh Records of Peebles*, pp. 127, 132, 133, 144, 147, 164, 165, 167. Dr. Wilson's *Prehistoric Annals*, Vol. II., pp. 516, 522.

²⁰⁴ *Burgh Records of Aberdeen*, Vol. I., pp. 421, 422.

²⁰⁵ *Burgh Records of Edinburgh*, Vol. I., pp. 68, 69, 73.

rebellion.²⁰⁶ This year a man was fined for cursing and beating a woman, and another for beating his own wife.²⁰⁷ There are notices of others breaking the peace of the borough, and cases frequently postponed owing to the weakness of the court, that is, the weakness of the law. There were persons fined for cursing, and speaking aloud in the court without licence; and a woman banished from the town.²⁰⁸ About 1411, there is a list of thieves and receivers of stolen goods, and in it are enumerated twenty-three persons, male and female.²⁰⁹ Looking at the comparative smallness of the population of Aberdeen in 1411, and the number of known thieves, it bespeaks a state of crime much greater than now.

The bailies of Aberdeen met (1436) to consider how they could quiet and punish robbers. All the citizens of the town, free and unfree, were bound to assist the magistrates and officers in the maintenance of order, and to turn out at once if the common bell was rung, when any sudden affray happened, and when they knew or apprehended any scath to the town, or any evils in it, they must warn the authorities.²¹⁰ There was no regular police, but in times of threatening disturbance, or war in the neighbourhood, a number of the citizens were appointed as a night watch.²¹¹

When we turn to social vice, the state of matters prevailing was bad enough. Brothels were common in the towns in the 15th century, and illegitimacy was rampant in the court, among the aristocracy, the clergy, and the people. It was no uncommon thing for the priest to carry off the young daughters of honest men with the object of violating them.²¹² At the end

²⁰⁶ *Burgh Records of Aberdeen*, Vol. I., pp. 3, 374.

²⁰⁷ *Ibid.*, pp. 373.

²⁰⁸ *Ibid.*, pp. 377-379, 38.

²⁰⁹ *Ibid.*, p. 4.

²¹⁰ *Ibid.*, pp. 392, 382.

²¹¹ *Ibid.*, pp. 8, 60, 62, 63. *Burgh Records of Edinburgh*, Vol. I., p. 6.

²¹² *Acts Parl. Scot.*, Vol. II., p. 12. *Liber Protocolorum*, Vol. I., p. 303, printed for the Grampian Club, 1875. *Burgh Records of Aberdeen*, Vol. I., p. 15.

of the 15th, and the beginning of the 16th centuries, clandestine espousals and marriages were extremely common among all classes in Scotland.²¹³

Already, oftener than once, we have come upon facts which show that drunkenness was not uncommon in Scotland during the 15th century. What follows has merely been gathered in the course of other inquiries, and, therefore does not in any way exhaust the subject. In 1436, the king and the three Estates ordained that no man be found within boroughs drinking wine, ale, or beer in the tavern, after the bell struck the hour of nine o'clock. If any persons were found in the inns after that hour, the bailies should put them in the king's prison, and if the bailies neglect to do this, they shall be fined for each offence one shilling.²¹⁴

As early as the end of the 14th century (1398) the city of Aberdeen spent a considerable sum on wine to various persons.²¹⁵ The Countess of Huntly got a lagon of red wine (1453) which cost the town 6s. 4d.; the Bishop of Aberdeen got a lagon from the citizens, which cost 5s. 4d. At the feast of St. Nicholas various

²¹³ *Statuta Eccles. Scot.*, Vol. I., pp. 275-277. Without entering into the intricate points of this great social question, a few historical facts may be stated, which throw light on the peculiarities of the Scotch law of Marriage. As early as the 15th century—"Espousals, however secret, if followed by sexual intercourse, might annul the subsequent marriage, however solemn, of either party, so long as the other was in Life". *Statuta Eccles. Scot.*, Vol. I., p. 186.

A Statute of Archbishop Forman, early in the 16th century, enacted—"that clandestine espousals should be denounced under pain of excommunication, four times a year, in every church in his diocese." *Ibid.*, p. 187. "One form of irregular co-habitation was known by the name of 'Hand-fasted,' but not married. The same statute ordained the like denunciation to be fulminated against those, many in number, who, after espousals, lived together as man and wife, without celebrating marriage in the face of the church." *Ibid.* The Reformers had to deal with this custom after the Reformation. *Book of the Universal Kirk*, Vol. I., pp. 195, 196, 348. *Miscellany of the Maitland Club*, Vol. I., pp. 63, 66, 69, 83, 132, 430. In the 14th century, a statute of the diocese of St. Andrews ordered parish registers of deaths to be kept; but, it was long ere there was a complete system of registrating marriages, births, and deaths in Scotland; indeed, not till past the middle of the present century.

²¹⁴ *Acts Parl. Scot.*, Vol. II., p. 24.

²¹⁵ *Miscellany of the Spalding Club*, Vol. V., pp. 39, 40.

ms were spent for wine—to the Lord of Forbes, 4s. for wine ; the Lord of Erskine, 8s. ; to the Lord of Erroll, 4s. ; and to the abbot of Arbroath, 2s. 8d., all for wine.²¹⁶

James IV. (1491) gave the masons of Whithern 18s. to drink, and in 1502 he gave them 14s. to drink. In 1507, the masons and wrights of Glasgow got 42s. from the king to drink, and the masons of Paisley 18s. for a similar purpose. The same day the king paid to the wife where the ladies drank by the way, 14s. It not only had the men and women their strong drink, the horses too got their share of ale.²¹⁷

Regarding sanitary provision, the kingdom was in a wretched state. It appears the swine ran about the streets pretty freely those days, and middens were allowed to lie on the thoroughfares of the towns for weeks.²¹⁸ In 1479, one man was appointed to mend the causeys and gutters for the whole town of Aberdeen, and he received a penny from every house as his wages. Again (1494) there was only one man for cleaning all the streets of the city.²¹⁹ The state of filth in which the people lived, must have prepared them for the ravages of disease and pestilence in every form. Accordingly we find the kingdom was frequently visited by the pest. This deadly malady from time to time carried off many of the inhabitants.²²⁰

The loathsome disease of leprosy was prevalent among the Scots in the 14th and 15th centuries. It is well known that Robert I. was a victim of this frightful malady. Regulations relating to leprosy were passed by parliament in the reign of

²¹⁶ *Miscellany of Spalding Club*, Vol. V., p. 48. *Proc. Soci. Antiq. Scot.*, l. III., p. 424, *et seq.*

²¹⁷ *Historians of Scotland*, Vol. V., pp. 295, 302.

²¹⁸ *Burgh Records of Edinburgh*, Vol. I., pp. 12, 58, 59, 76. *Burgh Records of Peebles*, pp. 131, 146, 167, 157.

²¹⁹ *Burgh Records of Aberdeen*, Vol. I., pp. 37, 422.

²²⁰ *Acts Parl. Scot.*, Vol. II., p. 46. *Burgh Records of Edinburgh*, Vol. I., pp. 72, 74, 75, 79, 84. *Burgh Records of Peebles*, p. 157. Indeed, all through the 14th and 15th centuries, Scotland was hardly free from pestilence in one form or other. The pestilence visited Scotland seven or eight times, from 1418 to 1499.

James I. Hospitals were erected on the outskirts of the principal towns for the reception of lepers. In the old borough laws, the leper folk were enjoined not to go from door to door, but sit at the gates of the borough, and seek alms from those that pass to and fro.²²¹

There was little or nothing known about medicine as yet among the Scots. The only surgeons were the barbers. They were incorporated in Edinburgh, 1506, and this deed perhaps contains the best information obtainable concerning the healing art. It was provided that "no person use or practice any of the points connected with the craft of barbery and surgery within the borough, unless they were freemen and burgesses, after being examined and passed on the following points—that he knew anatomy, the nature and complexion of every member of the human body, and likewise all the veins of the same; that he may make "flewbothomell" in due time; also that he know in which member the sign has domination for the time—for every man ought to know the nature and substance of that which he works, or else he is negligent. That we may have, once in the year, a condemned man after he is dead, to anatomise upon; and whenever we may have experience, each to instruct the others; and we shall do suffrage for the soul". It was, however, stated that no apprentice or hired man should be admitted into the craft, unless he can read and write.²²²

The state of the roads and highways throughout the country were still very bad. Many regulations relating to ferries were passed by parliament, but, as usual, they were little regarded. Some of the acts complain that the ferrymen took double and triple fare from poor and rich.²²³

The establishment of inns was encouraged by the crown, with the view of saving the farmers and the monasteries from

²²¹ The History of Leprosy in Scotland has been ably written by the late Professor Simpson of Edinburgh, and printed in the *Medical and Surgical Journal* for October 1841, and January and April 1842.

²²² *Burgh Records of Edinburgh*, Vol. I., pp. 102, 103.

²²³ *Acts Parl. Scot.*, Vol. II., pp. 10, 89, 107, 108, 119, 172, 221.

the extortions of unwelcome guests—those troops of the aristocracy, sorners, sturdy beggars, and other idle vagabonds who, as we have seen, swarmed in the country. In 1424 it was enacted that, in all the boroughs and thoroughfares of the kingdom, inns should be erected, with stabling, and rooms for rider and traveller; and that men may there find bread and ale and other refreshment at a reasonable price, according to the standard charges of the country. Travellers in Scotland, however, were rather much accustomed to live at free quarters, to patronise the inns. The innkeepers, therefore, complained to the king that travellers did not lodge at the inns, but with their friends and acquaintances. The king then, and the three Estates, ordained that no one travelling through the country, on horseback or on foot, dare to lodge anywhere else but at the inns, except those with a large company, that is the nobles, who should be free to lodge with their friends, if only they send their horses and servants to the inns.²²⁴

The rights of the forest and the hunt were highly valued in Scotland. Many laws concerning wild animals were passed in the 15th century. In the reign of James I. (1424) the Justice Clerk was ordered to look after stalkers, who slay deer, hart, roe, or doe, and the maintainers of them. When any stalker was convicted of slaying deer, he was fined two pound to the king, and his maintainers ten pound.²²⁵ An act was passed (1427) prohibiting the taking and killing of partridges, plovers, blackcocks, grey-hens, moor-cocks, and such fowls, with any kind of instruments, from the end of February to the month of August, under the pain of forty shillings; and similar statutes were passed in the reigns of the three succeeding kings. One act enjoins that no person destroy the nests or the eggs of the wild birds which are useful for the sustenance of man, nor slay the birds in close time, when they may not fly.²²⁶

This rugged country was as yet so incompletely mastered

²²⁴ *Acts Parl. Scot.*, Vol. II., pp. 6, 10.

²²⁵ *Ibid.*, p. 7.

²²⁶ *Ibid.*, pp. 16, 51, 52, 107, 235, 251.

that wolves preyed on the herds and flocks of man. In the 15th century, several acts of parliament were passed commanding the people to turn out four times in the year to hunt and destroy the wolves. He that slew a wolf at any time was to get one penny from every householder of the parish; and he who slays a fox, and brings his head to the sheriff, lord, baron, or bailie, was to receive sixpence.²²⁷

The laws relating to dress raises the question whether the reasons assigned for them are true, or whether the laws should be regarded as signs of increasing wealth or merely symptoms of pride and vanity? Two modern sages—Swift and Carlyle—deem dress the most important thing in the world, and assuredly this opinion is shared by a vast proportion of civilised men and women. It seems to me, the sumptuary enactments really indicate a growing diffusion of wealth—imperfectly, perhaps—still they mark an increasing swell of prosperity among the people.

Laws regulating the dress of the different classes of society were passed in the reigns of James I. and James II., and both are sufficiently minute. The act of 1457 opens with an announcement that each class was impoverished owing to the sumptuous clothing both of men and women, especially in the boroughs and landward among the commons. Both acts prohibit the wearing of silk dresses, except by the aristocracy and the magistracy. The costume of the nobles consisted of a vest, with long and sagged sleeves, the jacket or gown supplied the place of the modern coat, the hose and breeches together in one piece, and the shoes with long peaks.²²⁸

Another act, passed in 1455, regulated the official dress of the upper classes. When they appeared in parliament, they required to be dressed in the following fashion:—‘the earls to use mantles of brown grained cloth, open in front, furred with white, and lined before a handsbreadth with the same, reaching

²²⁷ *Acts Parl. Scot.*, Vol. II., pp. 15, 16, 51, 52.

²²⁸ *Ibid.*, pp. 18, 49.

down to the belt, stied with similar furring, and with little hoods upon the shoulders. The lords of parliament to wear a mantle of red cloth, opening before to the right, lined with silk, or furred with crispy grey, green, or purple together, and furred hoods of the same cloth. The Commissioners of the Boroughs, every one to have a pair of cloaks made of blue cloth, furred round the end, open on the right shoulder, and furs and hoods in proper style. If any of these ranks appeared in parliament or a general council without their distinctive habili-ment, they were under a penalty of ten pound to the king.'

All the advocates were ordered to wear a dress of green cloth, in the fashion of a tunic, with the sleeves open like a tabard. If they appeared in parliament without this, they were liable to a fine of five pound. Among the clergy, no one was permitted to wear a scarlet gown or furred marten, unless a dignitary in a cathedral, college church, a doctor, or a person with an income of three hundred marks a year.²²⁹

As already stated, there was a general prohibition of silks, costly scarlet gowns, and furred fineries, except among the the upper classes. Accordingly, the wives and daughters of other men were commanded to dress in a fashion corresponding to their station, that is to say, 'on their heads short kerchiefs with little hoods, such as are used in Flanders, England, and other countries. Touching the gowns, no woman should wear tails of unbecoming length, nor furred round the foot, but on the holidays. Keeping clear of all Turkish muffling, no woman should come to the kirk or market with her face covered so that she may not be known, under the pain of escheating the kerchief. Regarding the commons, husbandmen, and labourers, they were enjoined to wear no other stuff on week days but grey or white, and on holidays, light blue, green, or red, and their wives the same, with kerchiefs of their own making, and the cloth worn by this class not to exceed forty pence the yard.'²³⁰

²²⁹ *Acts Parl. Scot.*, Vol. II., pp. 43, 49.

²³⁰ *Ibid.*, pp. 49, 100.

When parliament deemed it necessary to repress the extravagance of dress, it is quite in character to inquire briefly, how far the Scots indulged themselves with personal ornaments and costly household goods. This belongs to a class of things which roughly indicate an element of a people's civilisation. We have seen there were workers in gold and silver, and in the national records we find mention of gold chains, rings, crosses, signets, small belts garnished with gold, pins of gold, and other trinkets.²³¹ Silver was more used in the form of belts, seals, rings, beads, book-clasps, and other ornaments; also as plate, basons, goblets, stops, cups, and spoons. Pearls were comparatively common, in fact they were a special article of commerce in Scotland.²³²

The household goods and utensils, though neither fine nor numerous, were still considerable. Their houses were not so empty as the unsettled state of society would naturally lead us to conclude. Together with the more essential household articles, a few of the rarer were found, which at least marks an extending command of wealth, if not refinement.²³³

The seals of the 12th and 13th centuries were already noticed. As my aim is to scan the progress of art among the people, rather than to illustrate the mysteries of heraldry, little remains in this department available for my purpose. The art of seal-making maintained its excellency during the 14th century, and till towards the end of the 15th, when it began to decline. For this period, however, there are many records which were wanting in the earlier time, nevertheless a few sentences may be given to the seals.

In 1392 a naked man with his arms extended is represented

²³¹ *Acts of the Lords of Council*, pp. 9, 135, 199, 220, 228. *Acts of the Lords' Auditors*, pp. 14, 131, 112, 55, 62, 67, 91, 129, 130, 159.

²³² *Ibid.* *Lords of Council*, pp. 87, 98, 176, 228, 243, 287, 199, 220, 430. *Lord's Auditors*, pp. 65, 136, 146.

²³³ *Ibid.* *Lords of Council*, pp. 98, 106, 129, 176, 195, 228. *Lords' Auditors*, pp. 67, 82, 119. *Burgh Records of Aberdeen*, Vol. 1., p. 408.

on the seal of a noble knight.²³⁴ This is the only instance of nudity that has come within my notice. On the seal of the Countess of Mar (1405) there is the figure of a lady holding a shield in each hand. On the seals of the Earls of Douglas, in the 15th century, three savages are represented with clubs in their hands. Sometimes one and sometimes two savages appear upon the seals.²³⁵ Figures of the peacock and the swan were depicted on the seals of the 14th century.²³⁶

Towards the close of the 14th century and the opening of the 15th the design of the Episcopal seals underwent a change. Instead of the simple representation of the bishop, which was before the usual form, either a representation of the Trinity, the Virgin, or the patron saint, within a niche or beneath a canopy, became the prevailing fashion. The rich architectural design of some of these seals afford fine illustrations of that art. A pretty full idea of the church architecture of the period might be formed from them.²³⁷

The common sports and amusements of the people were mostly of a military and athletic character—fencing and wrestling, running and leaping, throwing the hammer and putting the stone. The games of golf and football are of great antiquity, stretching beyond the period of record. At holiday and festival times other frolics were freely indulged in, some of which will be described in the next chapter.²³⁸

Throughout the 14th and 15th centuries the clergy were still the only body in the nation who had a smattering of book-learning. The nobles looked on all studies as far below their dignity and standing. This almost incapacitated them from holding the highest offices in the government, which were usually filled by the bishops and abbots.²³⁹ The barbaric habits of

²³⁴ Laing's *Ancient Scottish Seals*, Pref., p. 14, and p. 43.

²³⁵ *Ibid.*, pp. 45, 46.

²³⁶ *Ibid.*, p. 88.

²³⁷ *Ibid.*, pp. 146, 147, 152, 153, 156, 158, 166, 179, *et seq.*

²³⁸ Pinkerton's *History of Scotland*, Vol. I., p. 153; and Acts of Parliament already cited.

²³⁹ Tytler's *History of Scotland*, Vol. II., pp. 352, 353; and *The Ancient Church of Scot.* (Walcott), pp. 87, 88, 108, 146, 189, 190, 213, 255, 301, 119, 120.

the aristocracy at last became a source of weakness, and they found themselves hardly able to cope single-handed with the clergy.

The 14th century was not a church-building or constructive age, except in one direction: it was intensely constructive of national feeling. Then it was that the ground was cleared of several obstacles to progress, which, however, required time to bear fruit; but the seed was sown, and it would at last spring up, when the clouds were dispersed, and the sun shone forth with his reanimating power.

But the 15th century was a church-building period. The spirit of monasticism was now abating; among an active people it had nearly served its time; and the religious efforts assumed the form of collections of secular clergy called collegiate churches. Upwards of forty of these little cathedrals were built or begun in this century. They were erected in the south, the west, and the north. The members of these churches were parochial clergy, bound to their vows of ordination, but not subject to any precise rule. Most of them were poorly endowed, and it seems they failed to command and retain the reverence of the people.²⁴⁰

A brief notice of the churches and castles of the 15th century is necessary to fill up the glimpse of the state of the arts. The churches built in Scotland during this time were mostly of the decorated Flamboyant style. The polygonal apse was imported from France, being unknown before in Scotland, and rare in England. This class of buildings commonly ran into the three-sided apse, double doorways with flattened heads, enclosing a pointed arch. Battlements were rare, and the corby-stepped gable, with saddle-backed towers, began to appear ere the end of the period.²⁴¹

Numerous remnants and portions of decorated church buildings still remain in Scotland, notwithstanding the wasting

²⁴⁰ Innes's *Legal Antiquities*, p. 201, 202. *Orig. Paroch. Scot.*, Vol. II., pp. 417, 418. *The Ancient Church of Scotland* (Walcott), pp. 355-375.

²⁴¹ Innes's *Scotland in the Middle Ages*, p. 302.

gencies of time, neglect, war, and the unreasonable talk about the destructive and obliterating work of the Reformers.²⁴² Specimens may be seen at Glasgow cathedral, the nave and chapter house, the chapter house at Elgin, the churches of Forsterphine, Perth, Linlithgow, Lincluden, Stirling, and others. In some the decorated style is superinduced upon the earlier one, as in the cathedrals of Dunblane, Dunfermline, and Dunkeld.²⁴³ Melrose Abbey exhibits a graduation of style from early English to Perpendicular, and affords good examples of each, but the greater portion is decorated. Some of its details are well wrought out; the tracery of the windows is very fine, especially a decorated one of five lights, exceedingly beautiful in composition.²⁴⁴ The length of time which these churches were in building, the burnings and partial destructions to which many of them were doomed, all offered opportunities for erecting the new upon the old.

Though the masonry was excellent, and the composition generally effective, the surface ornamentation was the strongest characteristic of the old decorated churches. This feature was admirably adapted to arrest the eye of the onlooker. The walls covered with an endless variety of embellished devices; the stained glass glowing with variegated figures, the full and rich colours in the windows; and within, the founts, screens, and altars, all wonderfully posited for producing effect. With the whole accessories they exhibited much artistic skill and taste, a mastery of design, details, and execution of a high order.²⁴⁵

²⁴² *The Ancient Church of Scot.* (Walcott), Pref., pp. 11, 12; and in the body of the Book, pp. 17-19, 58-68, 264, 299, 300.

²⁴³ *Ibid.*, pp. 28-32, 201, 202, 208, 209, 244.

²⁴⁴ Rickman, pp. 288, 289. 1835. "The plainest as well as the most ornate of the Scottish church buildings after the date of the War of Independence, almost invariably exhibit some evidence of the adherence to the use of the semi-circular arch, and its cognate forms in doors, windows, arcades, and even in the tracery of pointed windows. The Scots returned early to the rudiments of pointed architecture, and sought out a system for themselves." Wilson's *Prehistoric Annals of Scotland*, Vol. II., p. 419.

²⁴⁵ Rickman, pp. 81-84, 282-287. Innes's *Scotland in the Middle Ages*, pp.

Wood-work in the roofs of the old churches is not very common. The best memorials of the wood-workers' art is the carved screens, stalls, and panels which adorned the early buildings. A few fine specimens of this ancient work is still preserved in Dunblane Cathedral; King's College, Old Aberdeen, and in the little old chapel of St. Nicholas, Aberdeen. The two last, however, belong to the 16th century.²⁴⁶ They are exquisite works of art, but it is doubtful if they were executed by Scotch workmen.

Little or nothing is known concerning the architects of the churches. Some have supposed the churchmen themselves were the designers of the religious buildings.²⁴⁷ Whether they were or not, only scanty notices of the workmen employed at these buildings remain. Touching the building of the choir of St. Nicholas Church in Aberdeen, there are various contracts with the masons and others in the city records.²⁴⁸ In that age it required a long time to build a church. The choir of St. Nicholas was more than half a century in building,²⁴⁹ and many a fine did the council and the bailies order to be paid to the building of St. Nicholas work. The Cathedral of Aberdeen was a hundred and eighty years in building,²⁵⁰ and other great

302, 303. The French Flamboyant or decorated style, which was partly imitated in Scotland, was excessive in ornamentation—"Its essence seems to be elaborate and minute ornament, and this continues till the forms and combinations are sadly debased, and a strange mixture of Italianism jumbles with it. Its combinations in the earlier part of the style, for richness, elaborate ornament, and magnificent design, are admirable; and no one can visit Rouen, where there are many churches still used, and others now deserted, and contemplate leisurely the beautiful church of St. Maclou without feeling the value of the style, and also the value of that fine stone which seems to have encouraged the Flamboyant architects to vie with each other in elaborate decoration. The portals of Abbeville, Beauvais, Evreux, and St. Maclou at Rouen, parts of Caudebec church and various others, are some of the finest specimens of this style."—Rickman.

²⁴⁶ *The Ancient Church of Scot.* (Walcott), pp. 202, 359. Innes's *Scotland in the Middle Ages*, p. 305.

²⁴⁷ Innes's *Scotland in the Middle Ages*, p. 298.

²⁴⁸ *Burgh Records of Aberdeen*, Vol. I., pp. 32, 41, 68.

²⁴⁹ *Ibid.* St. Nicholas Church had thirty altars.

²⁵⁰ "Nine score years a building." *Collections in the Shires of Aberdeen and Banff*.—J. Robertson.

churches were equally long in course of erection. This is a good illustration of the principle stated in the Introduction, it was unquestionably more for the want of means and external advantages, than from a lack of the requisite knowledge and skill, that the churches were so long in the process of building.

The field is much narrower when we look at the civil architecture of the period. The castles of the 13th century were already noticed, and the 14th was more remarkable for the destruction of castles than for erecting new ones. A few of the castles were embalmed in the history of the nation, but they have more of the features of a fortress than a dwelling place. The square tower of the 15th century is well known, from their number over the country. These stern keeps rose storey above storey, each consisting of a single apartment, with thick walls, the door placed high for security, and the window-openings narrow and suspicious. Here the baron, his family, vassals, and servants lived and scrambled for their food, all crowded into the hall, a gloomy cold abode, without carpets, curtains, window-glass, or cleanliness. There was no separate apartment for the women but their sleeping-room.²⁵¹

The baron's square tower contained a dungeon, where the prisoners were kept. The unhappy victims encased in these loathsome holes must have endured sufferings which it is impossible for us to realise.²⁵² Such were the dwellings of the aristocracy, whom we were invited to regard as the civilisers of Scotland !

Towards the end of the 15th century a few noble castellated edifices were erected in Scotland, but another hundred years elapsed before any radical improvement was effected in the dwellings of the Scotch aristocracy.

The church still held extensive tracts of land, which yielded a large income, and adding to this the other sources of their revenue, tithes, offerings, and the lucrative infallings of their

²⁵¹ Innes's *Scotland in the Middle Ages*, pp. 315, 316.

²⁵² I have examined some of these dungeons.

various courts, in the shape of fees and fines, and recalling the fact that the clergy were the best educated party in the kingdom, it cannot surprise us to find that they had enormous power and influence in the councils of the nation. The occasional efforts of the crown to curb the power of the church only laid open its own weakness, and our kings commonly found it more in harmony with their own interest to uphold the privileges of the clergy. The attempts of the crown and the government to recover the patronage of benefices almost wholly failed. At the Reformation, out of nine hundred and forty benefices, six hundred and seventy-eight were under the control of the church.²⁵³

As already observed, the monasteries were at first favourable to the progress of the country; the monks for long took the lead in improvement. But the principle on which they were based was unsound; and in the 15th century the monasteries began to exhibit signs of corruption and decay.²⁵⁴ The chief religious houses of Scotland were too rich; they had long ago absorbed much of the income of the parish churches, and the result was, the people were neglected, while the abbots, friars, and monks wallowed in wealth, indolence, and vice. This was the natural outcome of the system, though in a barbarous state it had much to recommend it.

The monasteries of Kelso, Melrose, Arbroath, Paisley, Scone, Holyrood, and others, had each many parish churches attached to them. Attempts were made to cause them to provide for the parish clergy, but the monasteries almost always retained the lion's share.²⁵⁵

Instead of going over a number of religious houses and launching into endless details, a few instances from the Abbey

²⁵³ *Acts Parl. Scot.*, Vol. II., pp. 83, 85, 99, 133, 141, 166, 173, 183, 184, 209, 210, 232, 172, 237. Innes's *Legal Antiquities*, pp. 177, 178.

²⁵⁴ *Acts Parl. Scot.*, Vol. II., pp. 25, 26. *Statuta Eccles. Scot.*, Vol. I., pp. 90, 91.

²⁵⁵ Innes's *Legal Antiquities*, pp. 185, 186. *Sketches of Early Scottish History*, pp. 18, 19, 40.

of Arbroath will show the working of the system. This house was richly endowed, it had tracts of land in several districts; besides, it had upwards of forty parish churches in its hands. In the Highlands it had the church of Inverness, the churches of Aberchirder and Banff in Banffshire, the churches of Turriff and Fyvie in Buchan, and many in other places.²⁵⁶ It is at once seen how difficult it must have been in those times for the Abbot of Arbroath to know or even care in what way the Vicar of Inverness or Banff fed their flocks; yet their appointment and payment was wholly in his hands.

The benefices appropriated by the Monastery of Arbroath and its landed property brought in a great quantity of grain, cattle, sheep, poultry, fish, and provisions of all sorts. In 1489 the annual consumption of this convent was 30 chalders of wheat, 40 chalders or 640 bolls of oatmeal, and 82 chalders of malt. So much for hard food and drink. Touching mutton and beef, the monks used annually 800 wedders, 180 marts, that is, cattle, besides lambs, veal, two dozen swine and boars, geese and chickens, eggs and butter; and of fish 1500 kelling, 12,000 dry haddocks and speldings, and about the same quantity of fresh fish, besides 9 barrels of salmon. Also fruit, almonds, raisins, 6 gallons of honey, and a large quantity of ale and wine.²⁵⁷

Assuredly there was abundance of the necessities of life, and even the luxuries of the table, among the monks of this convent. It is impossible that the members of the Monastery of Arbroath could have consumed such quantities of food and provisions; but then the place was often visited by the king and the lords of the realm, the archbishop, and others.²⁵⁸ After allowing ample scope for hospitable entertainment, doubtless there was an enormous waste of the gifts of nature and the hard-won results of industry, from want of economy in the establishment.

²⁵⁶ *Register of Arbroath*, Vol. I., pp. 3, 8, 31, 37, 41, 93, 212.

²⁵⁷ *Ibid.*, Vol. II., pp. 262, 263.

²⁵⁸ *Ibid.*, p. 263.

Nunneries were never numerous in Scotland ; and nuns were classed like the monks according to their rule. At Coldstream there was a convent of Cistercian nuns, and a register of their house is still preserved. There was another of the same order at Haddington, which got four hundred shillings annually from the rents of the borough.²⁵⁹ There was a nunnery near Perth, one in Aberdeen, and a few others here and there through the country.²⁶⁰

The friars were a distinct class from the endowed monks and regular canons. They were a later offspring of the Church of Rome, and came to Scotland in the 13th century. The friars professed poverty, and practised begging; according to law they could not hold property except their church and place of abode, which, however, was extended to include gardens. Some of them were active, and famed as popular preachers. Unlike the monks, the friars always settled in towns and the busy haunts of men ; they had no vows of seclusion.²⁶¹

The Dominicans were called black friars among us from their dress, and in other countries this order was intrusted with the power of the Inquisition, but I do not find that they exercised it much in Scotland. They had a large house at Edinburgh, which was frequently used for the assemblies of the national church. Their establishment at Glasgow was extensive and richly endowed. There they had gardens, and a cemetery attached, and they had churches in Perth, Aberdeen, and other places.²⁶²

The Franciscans, or the grey friars, professed to follow the strict reformed rule of their order. They had churches and abodes in Haddington, Lanark, Glasgow, Ayr, Dundee, Perth, Elgin, and elsewhere. Their residence at Lanark was large,

²⁵⁹ Chamberlain's *Rolls*, Vol. II., p. 653 ; Vol. III., pp. 159, 259. The sum seems to have been latterly commuted to forty shillings.

²⁶⁰ *The Ancient Church of Scot.* (Walcott), pp. 376-383.

²⁶¹ Innes's *Legal Antiquities*, pp. 170, 171.

²⁶² *Orig. Paroch. Scot.*, Vol. I., p. 6. *The Ancient Church of Scot.* (Walcott), pp. 339-342.

and in 1496, a meeting of all the Franciscan brethren in Scotland was held there.²⁶³

The Carmelites, called white friars from their habit, had establishments at Dundee, Banff, Irvine, Linlithgow, Aberdeen, and other places.²⁶⁴ There were some other unimportant distinctions among the friars. The friars are noticed here partly because they mixed more with the people than the other clergy, and partly because some of them were the first to embrace the reformed doctrines.

Hospitals were numerous, but poorly endowed; they were intended for various purposes, as infirmaries for the sick and aged, as hostles for pilgrims and travellers, or homes for those afflicted with leprosy. They were placed at the gates and in the neighbourhood of towns, at the river-side beside the ferry, and in the mountain passes.²⁶⁵ The foundation generally maintained a few brethren, who devoted themselves to the care of the sick and poor; and sometimes grants from the public revenue were given to them.²⁶⁶

Amid all the rudeness of the times, it is gratifying to find that the poor and infirm were not altogether forgotten; but many abuses prevailed in the hospitals, and acts were passed by parliament for their visitation and reform.²⁶⁷

Regarding the religious feeling of the nation, it is certain the mass of the people were firmly attached to the prevailing creed. The manifestation of their religious feelings may be seen in many directions. It was already noticed how tightly knit the craftsmen were to their special chapels, altars, and saints, and to which they contributed a part of their means to uphold and

²⁶³ *Orig. Paroch. Scot.*, Vol. I., pp. 463, 464, 120. Walcott, *Ibid.*, pp. 343-348.

²⁶⁴ Walcott, *Ibid.*, pp. 336, 337.

²⁶⁵ Innes's *Legal Antiquities*, pp. 172, 173. *Acts Parl. Scot.*, Vol. II., p. 16. Walcott's *Ancient Church of Scotland*, pp. 384-391.

²⁶⁶ Chamberlain's *Rolls*, Vol. II., pp. 395, 477, 595, 590, 591; Vol. III., pp. 159, 166. *Burgh Records of Peebles*, pp. 146, 147, 151, 170, 171.

²⁶⁷ *Acts Parl. Scot.*, Vol. II., pp. 7, 49, 86, 97.

adorn. Indeed, the whole people gave much to their chapels and altars, and showed their devotion in unmistakable forms.²⁶⁸ So their worship intensified their religious feeling, and it became engrained into the tissue of the nation's life, time might change its form, but its spirit and force would endure.

With the view of letting in more light on this interesting subject, I will give a few examples of the avowed motives which induced men to assign property to the church. Robert I. (1321) granted the Church of Kirkmacho to the Monastery of Arbroath—"For the health of his soul, and the souls of his ancestors and successors, kings of Scotland, and especially for the souls of those whose bodies rest within the church and its cemetery".²⁶⁹ In 1327 David Lindsay, Lord of Crawford, granted to the monks of Newbottle, a tract of land in the territory of Crawford. "For the weal of his soul, and the soul of Mary his wife; with all the escheats belonging to the land, and the men dwelling on it. Transferring to the monks the right of pit and gallows, sock and sak, tol and them, infang-thefts, and all rights and privileges belonging to a baron's court." ²⁷⁰

About the year 1358 Roger of Auldtion, a gentleman on the border, granted a considerable amount of property and lands to found a chantry in the church of St. James at Roxburgh. The testament assumed the following form:—"This is the form in which Roger of Auldtion founded the chantry of his chaplain officiating at Roxburgh in the church of Saint James; this also the form in which he ordained all alms and pious deeds which he has done, or in future may do—First, namely, for the love of God and the Blessed Virgin Mary, the mother of the same, and of all the saints; and also for the weal of his own soul and of the souls of Margaret and Felix, his successive wives, and for the souls of all to whom he is beholden and indebted, and for

²⁶⁸ *Burgh Records of Peebles*, pp. 166, 136-139, 142, 145, 156.

²⁶⁹ *Register of Arbroath*, Vol. I., pp. 212, 213.

²⁷⁰ *Orig. Paroch. Scot.*, Vol. I., p. 168.

the souls of all against whom he has offended, and whose goods he has unjustly had or possessed, and for the souls of all the faithful departed, that the Lord may pardon them and bring them to eternal life. Amen." ²⁷¹

The will of Sir James Douglas of Dalkeith (1390 and 1392) contains some curious items. "He gave the half of all his free goods for his funeral, and for masses and alms for the weal of his soul; also his best horse and his arms as a funeral offering to the Vicar of Lasswade. . . . He bequeathed a chalice and missal to the chapel of St. Nicholas of Dalkeith, a small sum for the support of the fabric of St. Andrews, a jewel of St. John, worth forty marks, to the church of Newbottle. He gave for the building of the church of Newbottle and the wages of the masons twenty-three pounds, six shillings for the use of the refectory, and other sums to the monks to pray for his soul. He left twenty pounds to the monks of Kelso, . . . and legacies to the friar preachers of Edinburgh and Haddington. . . . His robes of cloth of gold and silk, and his furred robes, were to be given to the church of St. Duthac of Tain, the chapel of Dalkeith, and other churchmen. . . . He left his third best horse to the Monastery of Newbottle, and vestments to each of the churches of Lasswade, Newlands, and St. Fillans of Aberdour." Sir James lived nearly thirty years after making this testament.²⁷²

Adam Urquhart of Inchrory, Sheriff of Cromarty, granted, in 1349, five marks yearly from the lands of Inchrory, together with a croft called the Alehouse, in the same territory, for a perpetual chaplain officiating in the chapel of St. Mary of Inchrory—to pray for the souls of William, Earl of Ross, and his parents, and for his own soul, and the souls of his parents, and all the faithful defunct." Adam reserved to his heirs the right of patronage and giving instruction to the chaplain.²⁷³

²⁷¹ *Register of Kelso*, p. 397. See also pp. 370, 372, 374, 375, 395, 396.

²⁷² Innes's *Sketches of Early Scottish History*, pp. 332, 334. Also printed in the second volume of the *Bannatyne Miscellany*.

²⁷³ *Orig. Paroch. Scot.*, Vol. II., pp. 839, 840.

Even past the middle of the 15th century Alexander Sutherland of Dumbath made bequests to chapels outshining any yet noticed. In a testament dated 1456 he gave six marks annually from the lands of Ester to a priest to sing mass continually for himself and his wife in the chantry of Ross; and of thirty trentals for his soul, he ordered eight to be said there, four in Tain, four in Ferne, and four in Dornoch. He also left to the chanter of Ferne six marks for saying mass with a note of the requiem, and much besides for religious purposes.²⁷⁴

"In 1451 Robert Sutherland, the son and heir of John Sutherland of Fors, granted to the chaplain of St. Andrew's Chapel of Golspie forty shillings yearly from the rents of the town of Drommoy, to pray for me and the souls of my forbears and successors."²⁷⁵

James III. (1487) "for the weal of his own scul, and the souls of his ancestors and successors, kings of Scotland, and all who had contributed towards the foundation, erected the chapel of St. Duthac of Tain, bishop, confessor, and priest, into a collegiate church for a provost, five canons, two deacons, a sacrist, and three singing boys".²⁷⁶ James IV. also founded a chaplainry there (1495), and the sum of five pounds was paid every half-year to Sir Donald Rede, chaplain, appointed to sing there for the soul of King James III.²⁷⁷

To give liberally to the church was not confined to one class, but pervaded all. In 1363 a burghess of Elgin, William Soreys, granted property to the altar of the Blessed Virgin Mary in the Church of Elgin, as usual—"for the safety of his own soul and the souls of his ancestors and successors, and all the faithful deceased".²⁷⁸ The same year, William Pope, son and heir of William Pope, burghess of Elgin, granted the rents

²⁷⁴ *Orig. Paroch. Scot.*, Vol. II., pp. 416, 417, 436. 607, 843.

²⁷⁵ *Ibid.*, p. 650.

²⁷⁶ *Ibid.*, p. 417.

²⁷⁷ *Ibid.*, p. 426.

²⁷⁸ *Register of the Diocese of Moray*, pp. 310, 311.

of several crofts and portions of land in the neighbourhood of the city, under the stipulation of praying for the souls of himself, his friends, and all the faithful defunct. Again, 1365, Richard, the son of John, burgess of Elgin, granted one hundred shillings sterling, from the rents of Botharum, to the altar of the Virgin Mary in the church of Elgin—"for a perpetual celebration of mass for his own soul, the soul of Elizabeth his wife, and the souls of John and Emma, his father and mother, and the souls of all the faithful departed".²⁷⁹

George Spalding, a burgess of Dundee (1495) "of his own good mind, and in honour and love of God Almighty, and his mother, the blessed Virgin Mary, and all the saints of Heaven," bequeathed through the provost, bailies, council, and community of the borough, a variety of things for adorning the Lady Kirk of Dundee; among them a great bell, a silver chalice gilded over, a new mass book, a new ward stall for the vestments of the high altar, and twenty shillings of annual rent. Minute and curious conditions are laid down to carry out the intention of the donor. The pith of the whole, however, is this—the provost, council, and community, and their successors, shall for ever cause the priest officiating at the altar of the Lady Kirk to exhort all the people present to pray for the soul of George Spalding, the soul of his wife, and their ancestors and successors. There were also directions to pass to his grave and his wife's, and say psalms, and cast holy water on them.²⁸⁰

This deed is written in the Lowland Scotch, and it is an interesting specimen of the language about the end of the 15th century. The spelling would puzzle a modern reader—"For the said George hys sowll, hys wyf, and yar antecessowris and successowris".

The above cases are taken from a class of documents exceedingly numerous in the religious records of Scotland. They cover a period of more than three hundred years, and the

²⁷⁹ *Register of the Diocese of Moray*, pp. 312, 313, 314.

²⁸⁰ *Register of the Diocese of Brechin*, Vol. II., pp. 316, 317.

few examples given are sufficient to indicate one side of the religious feeling of the people.

. Another phase of the religious feeling of the people was manifested by the pilgrimages. The relish which they had for visiting the shrines of their favourite saints cannot be mistaken; for the tombs, temples, altars, and the wells were alike venerated for their associations with the departed saints. The pilgrims sometimes travelled in companies to the holy places, and they were under the special protection of the king's peace during the journey.²⁸¹ In the 15th century, Whithern, the shrine of St. Ninian, Scone, Dunfermline, Paisley, Tain, and Melrose were among the chief places of pilgrimage in Scotland, though there were many others, but it is unnecessary to particularise them.

In 1473 the queen of James III. made two pilgrimages to the shrine of St. Ninian. On one of these occasions there was ten pounds ten shillings paid for livery gowns to six ladies of the queen's chamber—twenty ells of grey, bought from David Gill, at ten shillings the ell.²⁸² James IV. was in the habit of going on pilgrimages to the tombs and altars of the early saints throughout the country. In 1497 he offered in Whithern fourteen shillings. The same year he paid ten pounds to the church of Whithern to say ten trentals of masses for him. During his reign we find him offering at the following sacred spots connected with St. Ninian—the outer kirk, the rood altar, the high altar, our lady's altar, the reliques, and at the feretrum in the outer kirk. Thus it seems the feretrum—the shrine in which the actual remains of the saint was supposed to be kept—was in the outer kirk of Whithern, and it must have been an object of extreme devotion to the common people. This king also offered at the Lady's Kirk of Kyle, and gave five pounds to say masses for his soul; and in Glasgow he paid for masses, and in Our Lady's Chapel at

²⁸¹ *Ancient Laws and Customs of the Boroughs of Scotland*, pp. 22, 38.

²⁸² *Historians of Scotland*, Vol. V., p. 295.

the end of the town of Dumfries, he paid his offerings, at the holy cross of Peebles, and many other places.²⁸³

But this was not a tithe of James IV.'s pilgrimaging. Within sixteen years he made seven pilgrimages to the tomb of St. Duthac at Tain, in the heart of the Highlands. At these times he gave small offerings, commonly about fourteen billings, to St. Duthac's chapel, where he was born, in the churchyard of Tain; and he generally gave a gratuity to the man who bore St. Duthac's bell.²⁸⁴ On the whole, James IV. contributed liberally to the church; indeed at all times he was exceedingly open-handed, and this partly accounts for his great popularity among the people.

On the notable saints' days processions were held, and the day spent as a holiday. The various craftsmen and ranks of the town turned out with their distinctive emblems, and paraded the streets. These commemorative displays were kept up with all the spirit and circumstance which the nation could command. There is, however, some evidence that the rejoicings and processions sometimes ended in a rather rough fashion.²⁸⁵

The feast days, the shrines, and the wells of the early saints, were not only celebrated and regarded with devotion, their relics also were objects of extreme veneration, and believed to possess uncommon virtues. The continuator of Fordun, writing in the first half of the 15th century, gives an account of a cross which was found when the church of Peebles was founded in the reign of Alexander III. He then says:—"In the place where the cross was found frequent miracles were wrought by it, and are still wrought; and multitudes of the people flocked thither, and do still devoutly flock, making their oblations and vows to God".²⁸⁶ The relics of St. Fergus were

²⁸³ *Historians of Scotland*, Vol. V., pp. 296-304.

²⁸⁴ *Orig. Paroch. Scot.*, Vol. II., p. 433.

²⁸⁵ *Burgh Records of Peebles*, pp. 152, 156. *Acts Parl. Scot.*, Vol. II., p. 97.

²⁸⁶ *Orig. Paroch. Scot.*, Vol. I., pp. 229, 230.

preserved at Scone, where they performed many famous miracles. Some bits of his relics were also kept at Aberdeen.²⁸⁷

The relics of St. Fillan were in great repute, especially his staff, which was believed to possess many rare virtues. The most remarkable was its power of tracing stolen cattle and goods.²⁸⁸ James IV. had a relic of St. Duthac set in silver, which was preserved for its miraculous power of healing.²⁸⁹ It is needless to pursue this line further to show the religious feeling of the people, though the matter has only been touched.

We have seen novel doctrines were attempted to be introduced early in the 15th century, and two men suffered the fate awaiting every avowed heretic in those times. At the end of the century the new opinions were probably known only to a few, who were under the necessity of keeping their belief to themselves. For this reason it is difficult to estimate the number that may have secretly embraced the reformed religious views. As yet, however, the body of the people were warmly and firmly attached to the prevailing creed.

The notions about the sacredness of Sabbath which afterwards obtained in Scotland, were utterly unknown in the 15th century. Sports and amusements were freely enjoyed, and shooting at the butts in each parish on every Sunday was commanded by act of parliament.²⁹⁰ Anything more opposite than the ideas then and now in vogue on the Sabbath, it would be difficult to conceive.

To bring the chief points of this chapter at once before the mind, let us briefly recapitulate. We have seen the country wasted, and the people oppressed by a long and bitter war with a more powerful neighbour; but at last, by a combination of circumstances and the heroic endurance of the nation, the

²⁸⁷ "The bones of one of the arms of St. Fergus were among the relics preserved in the treasury of the cathedral church of Aberdeen."—*Collections on the Shires of Aberdeen and Banff*, pp. 419-424.

²⁸⁸ Innes's *Sketches of Early Scottish History*, pp. 389-394, 423, 424.

²⁸⁹ Pitcairn's *Criminal Trials*, Vol. I.

²⁹⁰ See before, p. 467.

aggressor was expelled. The pressure of this war enhanced the value of the lowest class of the people, opened a way of escape to the serfs, and long ere the end of the 15th century serfdom had disappeared. This was a great result, enabling the people to attain a position in the exercise of liberty and freedom, which even powerful nations like France and Germany were centuries later in reaching. The contingencies springing out of the continuance of the war with England was eagerly espoused by a grasping and restless aristocracy, who embraced every opportunity to extend their own power. Prompted as they were by an insatiable craving they entered into bonds of manrent and alliance among themselves, which issued in an endless series of feuds and blood; and by inevitable consequence led to the destruction of the power and influence of the crown; the kings looked wistfully around them, sometimes running to the citizens for aid, at other times to the church; nevertheless, in spite of every effort, the royal power was visibly evaporating.

Many laws of a beneficial and hopeful tendency were passed, but the strong and powerful disregarded them. A system of inquisition, monopoly, and restriction was in operation, well calculated to cripple trade and commerce and stifle industry in the bud. We have seen the lower and working classes struggling hard in the midst of many difficulties, and only slowly obtaining some recognition of their rights. In the face of all obstacles the nation advanced, tardily indeed, but steadily; amid the turmoil the movement was ever onward.

We find a people with keen religious feelings and warm emotions, yet so simple and uncultivated, they often ran into folly and credulity. But the germs of the religious and social revolution had already found its way into the kingdom, which can never end until the whole nation attain that degree of culture and happiness which it is capable of approaching.

CHAPTER XII.

THE LITERATURE, MUSIC, AND EDUCATION OF THE NATION IN 14TH AND 15TH CENTURIES.

THE language of the ancient inhabitants of Scotland was Celtic, which continued throughout the greater part of the country till the opening of the 12th century. Though, as already observed, a Saxon race had occupied a portion of the country in the south from the 6th century onward, they gradually extended along the south-eastern coasts, and partly commingled with the original population ; still, however, preserving under slight variation their own speech and customs. Thus the Lowland Scotch language is essentially Saxon. The process of its introduction and extension covered a period of about seven centuries ; during most of this time the language of the north of England and the south of Scotland was much the same. Hence the early compositions of this dialect have frequently been claimed as Scotch, when there is no evidence that they were written on our side of the border. In the 13th and 14th centuries the northern English dialect was spoken from the Humber to the Forth, and onwards round the eastern seaboard towards the Moray Firth.

Indeed, an English dialect has been as long established in the south-east of Scotland as in England ; though we have not such ample materials for tracing the early stages of its history and modification. In the 12th and 13th centuries there is no connected written compositions which we can claim as the exclusive productions of the men on this side of the modern border ; but there are a number of words, and even phrases of the vernacular speech in the early acts of the Scotch parliament,

and the ancient laws and customs of the boroughs, which show what the current dialect was.¹

It is not my aim to sketch the history of the Scotch dialect, but merely to indicate its source. As the population of the kingdom is mixed, and varied influences have contributed to this, so the language and dialects of the country are in a similar position, and each has imparted something to form and enrich the great literary language which Britain now enjoys.

When the two races, though differing in language, were constantly coming in contact century after century, it could not but happen that each would adopt portions of the vocabulary of the other, so we naturally look for the influence of the Celtic language on the Lowland Scotch. In the topography of the country there is much evidence of this element, and in the common vocabulary of the Scotch dialect there is a considerable number of Celtic words. The Scotch dialect, however, probably drew from the Celtic more of its spirit than its structure.

According to the general plan of this work, to follow the natural sequence of progress, at the same time adopting that mode of exposition best calculated to convey information on the matter immediately in hand, while casting light also on the main theme—the whole movement of the nation. As the evils of society were unsparingly handled in the last chapter, it is, therefore, doubly incumbent upon me to present clearly the other and better feelings of the national character. A single aim always before me—historical justice and truth—it is the most cherished aspiration of my heart to unfold the whole life of the nation faithfully.

In the early stages of culture the attainments of those exceeding the humble standard in vogue are often estimated among their fellows with extreme partiality and blind admiration. The trivial honours thus attained are constantly augmented by the credulity of succeeding generations, until the

¹ Dr. James A. H. Murray. *The Dialect of the Southern Counties of Scotland*, pp. 16, 22-24, 29, *et seq.* 1873.

heroes and prophets come forth fully arrayed in their glory. An insignificant nation in the eyes of its neighbours is apt to regard its own genius and valour as unmatched. Its heroes and poets, who flourished amid the mists of remote ages, naturally blend themselves with personages of more than mortal power. Even those nations least requiring the aid of fabulous elevation have frequently stooped to truckle falsehood with truth in the pages of their political, religious, and literary history.² Our own nation is no exception, and it falls to the historian to mark this influence on the mind and character of the people.

The Celts had their Finn and Ossian, and other shadowy heroes; but it would be bootless to go into a discussion about when they lived, or whether they composed the ballads and pieces attributed to them. What chiefly concerns us is the influence of their supposed writings on the mind and feeling of the people. The Lowland Scots also had their Thomas the Rhymer, a kind of poet, prophet, and half supernatural character, and he long wielded an influence in Scotland.

It will not be disputed at this time of day that the earliest literature of Britain was Celtic. Both English and Scotch poetry derived an element of its power from the Celts. The lively charm of fancy and glow of fire, and the keen emotional cast of the style of our great poets, is manifestly of Celtic origin. Even rhyme itself comes into English poetry from the same source.³

In these circumstances, the best method is to handle the Celtic fragments and ballads first, then the early ballad literature of the Lowland Scots anonymous and doubtful pieces, before commencing to the ascertained literature of the period. The advantages of this mode of proceeding are manifold.

² Irving's *History of Scottish Poetry*, p. 41. 1861.

³ "Rhyme—the most striking characteristic of our modern poetry, as distinguished from that of the ancients, and a main source to our poetry of its magic and charm, of what we call the romantic element—rhyme itself, all the weight of evidence tends to show, comes into our poetry from the Celts." *The Study of Celtic Literature*. By Matthew Arnold. P. 159. This book throughout is characteristic and highly suggestive.

The earliest collection of Gaelic poetry belonging to Scotland is the Dean of Lismore's book, which was gathered in the early part of the 16th century. And it may be taken to represent the literature then current among the Celtic people of Scotland. A selection from the Dean's book was published in 1862, along with an able introduction, a translation, and valuable notes.

The fragments and pieces in the published collection are manifestly of different ages. What is called Ossianic or Finnan poetry is many centuries earlier than the date of their collection by the Dean of Lismore; and certainly they did not all originate in Scotland, but were the common property of the Celtic race of these islands; while the other ballads and pieces mostly consist of compositions of the 14th and 15th centuries.

Though this poetry has peculiar features of its own, and a glow and polish about it; on the whole it is hardly equal to the ballad literature of the Lowlands. It should be noted, however, that Gaelic poetry loses much of its vigour, warmth, and charm when translated into English.

Celtic poetry everywhere manifests a fine sense of style; heightened and vehement expression is its main characteristic. It has also a chord of intense passion, piercing regret, and melancholy. A few examples will show this :—

“ Each day that comes is long to me,
 Such indeed was not my wont.
 Now is no fight, or battlefield,
 No learning noble feats of arms
 Without maiden, song, or harp;
 No crushing blows or warlike deeds,
 No studious learning any more,
 No hospitable hearth or board,
 No soft wooing, and no chase,
 In both of which I took delight.
 Without the battle, march or fight,
 Alas! how sorrowful life's close;
 No hunting of the hind or stag,
 How different from my heart's desire.”⁴

⁴ *Dean of Lismore's Book*, p. 3.

The subject of most of these old fragments is associated with deeds of bravery and strength in fight and battle; or the feats and incidents connected with the hounds and the chase of the deer and the boar: the things which were most interesting to them in those days. Here is a description of one of Ossian's heroes:—

“ His helmet close about the head
Of this brave and dauntless man;
His right arm bore a round black shield,
The surface of its back engraved;
A heavy, large, broad-bladed sword,
Tightly-bound, hung by his side.
He comes in attitude of fence,
As where we stood he swift approached;
Two javelins, with victory rich,
Rest on the shoulder of his shield;
For strength, for skill, for bravery,
Nowhere could his match be found:
A hero's look—the eye of a king
Shone in that head of noblest mould,
Ruddy his face, his teeth pearl white,
No stream ran swifter than his steed,
Then did his steed bound on the shore.
And he in whom we saw no fear.”

We must pass on and let this hero show his fighting powers.

“ The well-formed warrior then approached,
In rage sustained by his great strength,
The maid he rudely bears away,
Though by Finns shoulder she had stood.
The son of Morne then hurled his spear,
With wonted force, as he bore off;
No gently cast was that, in truth,
The hero's shield was split in twain.
The wrathful Oscar then did shake
The red dyed belt from his right arm,
And killed the hero's prancing steed,
A deed most worthy of great fame;
Then when the steed fell on the plain,
He on us turned in fiercest wrath,
And battle does, the onset mad,
With all our fifty warriors brave.
On the same side with me and Finn,
The fifty stood in front of him;

Yet though they oft stood firm in fight,
 His arm did now them force to yield.
 Two blows, and only two he gave,
 With vigour to each sep'rate man,
 When we were stretched upon the earth,
 Each man of us with whom he fought.

Then did the manly Gaul advance,
 The conquering hero to assail,
 Whoe'er he was could see them then,
 The struggle and the fight were fierce.
 Then did Mac Morne slay with his arm
 The King of Sorcha's son, most strange!
 Sad was the coming of the maid
 Now that the brave in fight had fallen."⁵

There is no lack of minute description, or strength of colouring here.

It is well known there was a class of bards among the Celts from an early period. They were in high estimation, and usually liberally rewarded for their efforts. Their learning mainly consisted of genealogy, and the faculty of forming rhymes. The rhymes were woven out of the real or fictitious genealogies, then related and recited to the chiefs and the people.⁶

There is reason to believe that this state of things among the Celtic people of Scotland lasted for a very long period. Hence the influence of this kind of literature on the mind and feeling of the Celts, and their clan system. Tales, stories, and rhymes, in which allusions are made to the ancient popular heroes, were, and still are, numerous in the Highlands.

But the popular Celtic heroes were also known to the early writers of the Lowlands. References to them are repeatedly met with in Scotch writers of the 14th, 15th, and 16th centuries. The stream of Celtic and Scotch literature partly runs into each

⁵ *The Dean of Lismore's Book*, pp. 22-24.

⁶ *Ibid.*, pp. 16, 17, 82, 114, 139. And J. A. Robertson's *Historical Proofs of the Highlands*, pp. 200-203. 1865. See also Matthew Arnold's *The Study of Celtic Literature*.

other; though not in phraseology, yet in spirit and fire. The deeds of the brave, the strong, and the noble, the exciting hunt of the stag, and the alluring charms and mishaps of love affairs, play the chief part in both.

The earliest compositions in the northern English or the Scotch dialect. were certainly in the form of rude ballads or songs. Such ballads may have existed many generations before it became customary to commit them to writing, in fact, we know this was so. They were the first productions in the language of the people; and they had taken such a hold on the national mind, that our first three historical writers, Barbour, Winton, and blind Henry, all composed their works in rhyme. Let us then briefly survey the ground and the elements out of which their works sprang.

This interesting branch of literature comprises short metrical tales and romances; all the ballads and narrative songs originating in historical facts. The first class often assume a tragic complexion, but many of them are of the shadowy description, treating of incredible achievements and adventures, and the marvellous in its various forms—the realms of fairy-land, spirits, ghosts, and other mysterious inhabitants of the supernatural regions. This class is valuable as embodying the feelings and ideas of the people; in their day such things were to them real elements of thought and being.

The subjects of the ballads and songs are as varied as the active life of the people, embracing battles, personal encounters, feuds, national and domestic transactions, local incidents, and adventures on land and sea. A few of the most ancient probably reach as far back as any of our public records. As they owe their preservation mainly to tradition, it is impossible except in rare instances, to fix the date of their composition. The old ballad literature of the Lowlands, now pretty bulky, has mostly been collected from oral recitation during the last century and a half.⁷ In the course of its long journey from

⁷ There are manuscripts of the 16th century which contain portions of the

eneration to generation on the breath of tradition, the ballad literature has undergone modification in form and phraseology ; and I believe in incident also to some extent.

Various versions of many of the traditionary ballads exist the same story is told in a different style in one district of the country from what it is in another. It sometimes happens

earlier poetry and ballads of Scotland. The well known manuscripts of George Bannatyne, collected and written 1568. Sir Richard Maitland's manuscripts contain the verses of various other poets as well as his own. He lived in the 16th century. The *Complaint of Scotland*, published about the year 1549, gives a list of stories and tales. An edition of this curious book was reprinted at Edinburgh, 1801, edited by Dr. Leyden.

The earliest collection of popular poetry printed in Scotland was the volume issued by Chapman and Millar from the press at Edinburgh, 1507. A book entitled, "*A Compendious Book of Godly and Spiritual Songs*," was printed at Edinburgh, 1597. The whole of this curious collection was republished in a book called, "*Scotch Poems of the 16th Century*," 2 vols., 1801.

A collection by James Watson in three parts appeared—1706, 1709, 1710. This compilation included some ancient poetry, but little of the ballad class. Allan Ramsay's *Evergreen* was published at Edinburgh, 1724. It consisted mainly of extracts from the Bannatyne manuscripts. It also contained a few ancient ballads, among others the battle of Harlaw. The same year he published another collection—*The Tea-table Miscellany*, and it only includes six or seven old ballads. As an editor, Ramsay has been accused of unfaithfulness, and for transforming ancient songs and ballads. Sir W. Scott's *Minstrelsy of the Scottish Borders*, Introd., pp. 41-46; see also Irving's *Hist. Scot. Poetry*, p. 162.

Dr. Percy, the venerable Bishop of Dromore in Ireland, gave the results of his researches to the public, 1755, in the *Reliques of Ancient Poetry*. A number of ballads in this work are common to England and Scotland ; and seven have been claimed as Scotch productions—Motherwell's *Minstrelsy, Ancient and Modern*, Introd., pp. 66-68. There is an interesting account of some critical and disputed points connected with the ancient Minstrels, and other matters, in Walter Scott's introduction to the *Minstrelsy of the Scottish Borders*, pp. 49-68, 1833.

In 1769 Herd published his *Collection of Ancient and Modern Scottish Songs, Ballads, &c.*, 2 vols. ; about twenty ballads were printed in his work for the first time. Pinkerton published *Scottish Tragic Ballads*, 1781 ; and *Select Scottish Ballads*, 1783, 2 vols. Among them, however, he inserted more than a dozen of his own, which he passed off as old : but afterwards confessed his sin. Joseph Ritson published several collections of *Old Songs and Ballads* ; and a collection of *Scottish Songs with Music*, 1794, a valuable work. James Johnson, music seller in Edinburgh, published a work called *The Scots Musical Museum*, 1787-1803. It extends to six volumes, and contains nine or ten ancient ballads printed there for the first time.

In 1802 the two first volumes of Scott's *Minstrelsy of the Scottish Borders* appeared, and a third volume followed, 1803. It has gone through many

that no two copies will be found to tally exactly, though both narrate the same story and exhibit the common-place construction of the original ballads. The mode of evolving a complete copy out of the different versions of a ballad frequently destroys the most valuable elements of the piece; the process of refinement is apt to mar the simplicity of early song.⁸

A few pages back we alluded to the once famous character, Thomas of Ercildoun, or Thomas the Rhymer, who was supposed to be a writer of romance among the people on the borders. He was long and widely recognised as a poet and prophet; though his life and writings are involved in a haze of mist. Even his name has been a theme of antiquarian discussion, which it is needless to follow, as he is best known throughout Scotland simply as Thomas the Rhymer. The date of his birth is uncertain, but it seems he reached the height of his reputation about 1283. It was then that he is reported to have foretold

editions; it contains a mass of historical and romantic ballads; and besides a body of varied, curious, and often interesting information about the superstitions and habits of the people. It is a valuable work, and made a large addition to the traditional ballad literature of Scotland.

Robert Jamieson's *Popular Ballads and Songs* appeared, 1806, in two vols. It is a meritorious work, and added sixteen ballads to our traditional poetry. John Finlay published a collection of *Scottish Historical and Romantic Ballads*, 1808. Peter Buchan, an exceedingly industrious and faithful collector of traditional ballads, published, 1828, two volumes—*Ancient Ballads and Songs of the North of Scotland*, hitherto unprinted. The historical ballads in this collection are few, and none of them ancient. Mr. Kinloch published a collection of *Ancient Scottish Ballads*, 1827, at Edinburgh. A number of traditional ballads were printed in it for the first time.

In the above year the collection of Motherwell, *Ancient and Modern Minstrelsy*, was published at Glasgow. The Introduction of this performance is valuable. The explanatory notes are also marked by a fair share of critical power and good taste. There is a handsome new edition published, 1873.

There are of course other collections of Scotch ballads and songs; but those now enumerated comprise the chief works up to 1830. Since that time various collections have been given to the public; among the best of them—Aytoun's *Scottish Ballads*.

⁸ W. Motherwell, *Minstrelsy Ancient and Modern*, Intro., pp. 5-7, 1873.

the death of Alexander III., and he died before the end of the century.⁹

Thomas the Rhymer is mentioned in his prophetic character by most of our early chroniclers. Barbour alludes to him, and Bower gives an account of his prediction of the fate of Alexander III. Winton and blind Henry speak of the Rhymer as endowed with the power of divination.¹⁰ Mair, however, says—"To this Thomas our ccuntrymen have ascribed many predictions, and the common people of Britain yield no slight degree of credit to stories of this kind, which I, for the most part, am accustomed to treat with ridicule".¹¹ Bishop Lesley, who wrote after the Reformation, refers to the Rhymer, and a Michael Scott, as singular characters.

Metrical prophecies ascribed to Thomas the Rhymer were current in the reigns of James V., Queen Mary, and James VI., and they were collected and published in Latin and English; but the time of the union of the crowns was the crisis of the Rhymer's fame. We are informed by Birrel—"At this time all the whole commons of Scotland that had read or understood were daily speaking and expounding Thomas the Rhymer's prophecies, and other prophecies, which were prophesied in old times".¹² Not only among the commons were such expositions in vogue, but John Colville, in a Latin oration composed at the time, and published at Paris in 1604, expresses his wonder at the fulfilment of the prophecies of Thomas the Rhymer. The Earl of Stirling moots the subject in one of his compositions, and Drummond, the poet, introduces illusions to it.¹³

Bishop Spottiswoode, a man of learning and good sense, and who wrote a passable history of the Church of Scotland, firmly believed in the prophecies of Thomas the Rhymer. "Whence

⁹ Scott's *Border Minstrelsy*, Vol. III., p. 169.

¹⁰ Barbour's *Bruce*, p. 25. Jamieson's edition. *Scotichronicon*, Vol. II., p. 131. Winton, Vol. II., p. 157. Henry's *Wallace*, pp. 23-25.

¹¹ Mair's *De Gestis Scot.*, p. 157.

¹² Birrel's *Diary*; and *Fragments of Scottish History*, p. 59. 1798.

¹³ Irving's *History of Scottish Poetry*, p. 46.

or how he had this knowledge can hardly be affirmed, but sure it is that he did divine and answer truly many things to come."¹⁴ According to an early ballad, of which more will be said shortly, Thomas the Rhymer had intercourse with the fairies; and this must have greatly enhanced his prophetic vision.

The tendency of the uncultivated mind to have faith in what is enwrapped in obscurity is a characteristic feature of human nature which manifests itself throughout the history of the race. The Scots clung to their notions and customs with extreme tenacity. The hold which the Rhymer had on the popular mind illustrates this feature of their character. It is no exaggeration to say that, till recently, the sayings of Thomas the Rhymer were much mused upon and credited among the people.

Sir Walter Scott published the romance of *Sir Tristrem* (1804) from a manuscript of the 14th century. Whether this be the work of Thomas of Ercildoun is very doubtful. The quaint English of the production stamps it as early, but there is no reason to suppose that it belongs to Scotland more than to the north of England. The style of *Sir Tristrem* is extremely brief and elliptical, bordering on obscurity. The structure of the stanza is peculiar, and the rhymes are complicated to an enormous degree.

The short poem or ballad containing Thomas the Rhymer's prophecies is preserved in three early manuscripts, but they are all more or less incomplete.¹⁵ The main points are these:—On a May morning, Thomas is represented as reclining at Huntly Bank, near Eildon Hills, when he suddenly espies a lady of exquisite beauty, mounted on a dapple-gray palfrey, and most

¹⁴ A collection of metrical productions ascribed to Thomas the Rhymer, with many others of a similar class, bearing the names of Bede, Merlin, Gildas, and others, were published in a small volume at Edinburgh in 1615. It is to these prophecies that Spottiswoode refers.—Scott's *Minstrelsy of the Scottish Border*, Vol. IV., p. 134.

¹⁵ Aytoun's *Ballads of Scotland*, Vol. I., pp. 26-28. Aytoun also gives a version of the traditional ballad on the same subject, pp. 37-40.

richly aparalled. Thomas thought she was the Virgin Mary, but finding that she was not the queen of Heaven, he made love to her ; she, however, declared that to listen to such requests as this would destroy all her beauty. The Rhymer's ardour could not be repressed, and she was at last induced to alight, when all at once her beauty vanished, which threw him into amazement. She told him that he must leave the middle earth, and go with her for a twelvemonth. Accordingly they descended by a secret passage at Eildon Hill, and for three dreary days Thomas hears nothing but the sougning of the flood. They at length approached a fair herbary, well filled with flowers and fruit, and enlivened by a great variety of birds. Thomas, almost exhausted with hunger, stretched forth his hand to snatch some of the tempting fruit, but she warns him to desist, under the pain of being attainted by the fiend, and falling into hell. She directed him to lay his head in her lap, and points out to him the way to heaven, to paradise, and to the palace of her own fairy land. Thomas saw that she had now recovered her beauty and resumed her rich attire. When they reached the palace, it resounded with music and revelry.

The scene was exceedingly lively—"the harp and fiddle, ghittern and sautry, lute and rebeck, all playing there, with every kind of minstrelsy. Knights were dancing, by three and three, there was mirth, game and play : lovely ladies, fair and free, dancing with them in rich array."

After Thomas had enjoyed this solace longer than he thought, the queen of the fairies informed him that she must conduct him back to the Eildon tree. He was reluctant to leave this fine lady, but she expressed her fear lest the fiend of hell, who to-morrow was to claim his dues, should choose him. When they returned to the Eildon tree, he entreated her to give him some token of their intimacy. In compliance with his wish, she gave him the tongue that would never lie.¹⁶ She then

¹⁶ Scott's *Minstrelsy of the Scottish Border*, Vol. IV., p. 127. Laing's *Select Remains of the Ancient Popular Poetry of Scotland*, No. IV. 1822.

pours forth a string of rather confused prophecies, in which we discern allusions to the events and personages of the Scottish wars of Edward III.

The monody on the death of Alexander III., preserved in Winton's *Chronicle*, is an early specimen of the Scottish dialect. They are quoted by most of our historians, and need not be repeated here. When Edward I. laid siege to Berwick (1296), it is said the citizens derided him thus :—

“ What wenys Kynge Edwarde, with his lang shankys,
To have wonne Berwyk all our vnthankys ;
Gaas pykes hym,
And when he had it
Gaas dykes hym.”¹⁷

From this till the battle of Bannockburn the heroic struggles of the people afforded incident and material for historical ballad and song. Many ballads and stories in rhyme gathered round the name of Wallace, the idol of the people. Winton mentions one of his earliest achievements, which still lives in a ballad ; and he also notices that—“ of his good deeds and manhood, great gests I have heard are made, but not so many I trow as he intil his days wrought ”.¹⁸ We learn from Barbour that songs relating to the war were common among the people in his time. Most of these songs are lost, or rather it would be more correct to say, that the elements of which they were composed were gradually incorporated into the three metrical narratives of Barbour, Winton, and especially Blind Henry's *Wallace*. Mair explicitly states that Henry's *Wallace* was composed from the traditional stories current among the people.

An old English chronicler said, the Scots commemorated the national triumph of Bannockburn in such strains as these :—

¹⁷ Dr. James A. H. Murray. *The Dialect of the Southern Counties of Scotland*, p. 28.

¹⁸ Winton's *Chronicle*, B. VIII., Ch. 15. Motherwell's *Minstrelsy*, Introduction, p. 46.

“ Maydins of Englande, sore may ye morne
 For your lemmans ye haue loste at Bannockysborne,
 Wyth heue a lowe ;
 What wenynt the Kynge of Englande
 So soone to haue wonne Scotlande,
 Wyth rumbylow.”¹⁹

This song, says the narrator, was long afterwards sung by the maidens and minstrels of Scotland, to the reproof and disdain of the English, with other songs which he overpasses.

The fine old ballad of Sir Patrick Spens is familiar to most readers, and need not be quoted at length. Concerning its date, some place it in the reign of Alexander III., others suppose it to belong to the latter half of the 15th century.²⁰ Whether the ballad narrates a real historical event or not is of little importance ; its value does not depend on its historical accuracy. There is some very good description in it :—

“ They hadna sailed a league, a league,
 A league but barely three,
 When the lift grew dark, and the wind blew loud,
 And gurly grew the sea.
 The ankers brak, and the topmasts lap,
 It was sic a deadly storm ;
 And the waves came o’er the broken ship,
 Till a’ her sides were torn.”

The concluding verses are exceedingly touching.

“ And mony was the feather bed
 That floated on the faem,
 And mony was the gude lord’s son,
 That never mair came hame.
 The ladyes wrang their fingers white,
 The maidens tore their hair,
 A’ for the sake o’ their true loves—
 For them they ’ll see na mair.
 O lang, lang may the ladyes sit,
 Wi’ their gowd kaims in their hair,
 A’ waiting for their ain dear lords,
 For them they ’ll see na mair.

¹⁹ Irving’s *History of Scottish Poetry*, pp. 79, 80.

²⁰ *Minstrelsy of the Scottish Border*, Scott, Vol. I., pp. 295-305, 1833.
 Motherwell’s *Minstrelsy*, pp. 9-16, 1873.

Half ower, half ower to Aberdour,
 It's fifty fathom deep,
 And there lies good Sir Patrick Spens,
 Wi' the Scots lords at his feet."

There is a spirited ballad on the Battle of Otterburn, fought 1388. The leader of the Scots was the Earl of Douglas; the English were led by Henry Percy, the redoubtable Hotspur. Douglas fell, but the Scots gained the battle, and took Percy prisoner:—

" When Percy with the Douglas met,
 I wot he was fu' fain;
 They swakkit swords, and they twa swat,
 Till the blude ran down like rain.
 But Percy wi' his gude braidsword,
 That could sae sharply wound,
 Has wounded Douglas on the brew,
 That he fell to the ground.
 And then he called his little foot page,
 And said—' Run speedilie
 And fetch my ae dear sister's son,
 Sir Hugh Montgomerie.
 ' My nephew gude!' the Douglas said,
 ' What recks the death of ane,
 Last night I dreamed a dreary dream,
 And I ken the day's thy ain.
 My wound is deep, I fain would sleep;
 Take thou the vanguard of the three,
 And bury me by the bracken bush,
 That grows on yonder lily lea.
 O bury me by the bracken bush,
 Beneath the blumin' brier;
 Let never living mortal ken,
 That a kindly Scot lies here.' " ⁿ

The ballad on the Battle of Harlaw may be referred to the 15th century. The event and circumstances which it narrates are well known, and the ballad was probably composed soon after the battle. It is a dry and hard narrative, with little ornament of any kind. It extends to 248 lines; but there is a traditional ballad on the battle of Harlaw much shorter, and

ⁿ Aytoun's *Scottish Ballads*, Vol. I., p. 17.

very popular in the north, and of it there are various versions. In the beginning of the 17th century there was a tune known by the name of the Battle of Harlaw.

Holland's *Howlat*, a long moral fable, seems to have been written about the middle of the 15th century. It is tedious, and deficient in energy. The allegory is founded on the old fable of the jackdaw in borrowed plumage, and in the course of a long narrative the feathered tribes come up in a variety of human characters, and much minuteness of incident is introduced.²² The construction of the verse strains after the alliterative form. This style of composition was a favourite with several of the rhymers of those times.

Another curious poem, entitled Cockelbie's *Sow*, was written about the middle of the 15th century. At the opening of the next century it had become popular.²³ It is a rugged, rambling, and strange performance, but here and there a peculiar vein of humour, and many whimsical turns are manifested. A merry man called Cockelbie had a black sow which he sold for three pence; and a detail of the various effects connected with the spending of this sum, forms the material of the poem. One penny fell into a lake, and was found by a person who bought a pig with it. A number of incidents are introduced in following out the history of the three pennies, and in an original fashion certainly, various moral lessons are imparted.²⁴

There is one piece of information in it nowhere else found. This is an enumeration of the names of many songs, tunes, and dances, which were then popular. Hereafter something will be said about this list; meanwhile it may be mentioned that dancing was exceedingly popular among the people of Scotland.

Sir John Rowll, a priest, was the author of a remarkable production, written about the close of the 15th century. This

²² Laing's Edition of Holland's *Book of the Howlat*. 1823.

²³ Irving's *History of Scottish Poetry*, p. 170.

²⁴ Laing's *Select Remains of the Ancient Popular Poetry of Scotland*. 1822.

poem is a seething denunciation of the persons who had stolen his fowls, broken his yard, stolen his fruit, and riven his herbs up by the roots—"Black be their hour, black be their part, for five fat geese of Sir John Rowll's, with capons, hens, and other fowls. Give to the devil their guts and gums, their tongue, their teeth, their hands, their feet, and all their whole body complete. . . . Now cursed and accursed be their fate while they are living on the earth; hunger, strife, and tribulation, and never be without vexation; of vengeance, sorrow, trouble, and care, graceless, thriftless, and thread-bare, all times in their legicy fire, sword, watter, and woodie."²⁵ This composition is expanded to 262 verses, and altogether it is a rare specimen of language and style.

David Steel, another rhyming priest, is known as the writer of "the Ryng of the Royal Robert;" and Quintin Shaw, Patrick Johnston, and Mersar, were writers of verse in the 15th century, among others whose names have long been forgotten.²⁶

During this period there were also many romantic tales composed in the dialect of the people on the deeds and exploits of King Arthur and his knights. These tales were common throughout Britain; popular among the French, and in other countries, and not in any way peculiar to Scotland; nevertheless, such stories had an influence on the compositions of Barbour, Winton, and especially blind Henry.

The tales concerning the adventures and achievements of the popular heroes, Robin Hood, and his fellow, Little John, were well-known and relished among the Scots, though they originated on the other side of the border. There is palpable evidence of their popularity in the fact that the earliest book printed in Scotland contained, among other things, *The Gest of Robin Hood*. Between the Scotch and English copies of this long ballad there is no difference, except in a few orthographical points.²⁷

²⁵ Laing's *Select Remains of the Ancient Popular Poetry of Scotland*.

²⁶ Irving's *History of Scottish Poetry*, pp. 202, 203, 204, 205-207.

²⁷ Scott's *Minstrelsy of the Scottish Borders*, Vol. I., pp. 40, 41, *Intro* 1838. Motherwell's *Minstrelsy*, p. 56, *Intro*.

Touching the elves and fairies, and other airy and subterraneous beings, the surviving members of a numerous progeny descended from the far gone past. These visionary beings still continued to hold a place in the popular imagination. Rhymes and stories relating to them were common enough among the Scots. A few of the romantic tales published in the *Border Minstrelsy*, were probably composed as early as the 15th century, such as the "Fairy Ballad of Tamlane," in which fairies figure in many shapes and connections.²⁸

The fairies of Scotland were a diminutive race, with a mixed and rather dubious nature. They were extremely capricious in disposition, and mischevious in their resentment. They inhabited the interior of green hills, and on the top of them the fairies danced by moonlight. Their dress was usually green, though they sometimes wore heath brown. The fairies were great riders, and often moved on invisible, when their presence was discovered by the shrill ringing of their bridles. They occasionally, however, borrowed mortal steeds, and sometimes indulged in the pleasures of the chase;²⁹ but I cannot stop to go over all the features of their character.

No nation at once produced elaborate literary works. Here—as everywhere else—great, complete, and important productions come only after innumerable attempts in many directions. In the 14th century the efforts required to compose and write even a short ballad or story, with the means then available, was something vast. There were no printed books, few persons could read or write, and writing materials were often difficult to get. In fact, the difficulties in the way were of a kind of which we have no experience, and therefore are not likely to overrate them. In this department, as in others, it is never merely the dearth of knowledge which was the hindrance, but rather

²⁸ Scott's *Minstrelsy of the Scottish Borders*, Vol. II., pp. 337-350. A version of this ballad is given in Aytoun's *Ballads*, Vol. I., pp. 7-12.

²⁹ Scott's *Minstrelsy of the Scottish Border*, Vol. II., pp. 808, 810.

the want of means, and the lack of mutual and combined operations, which is the heart and life of all progress.

Having in the preceding pages of this chapter cleared the air, felt the surrounding elements, and sounded the ground, we proceed with a steady vision to unfold the early history of the definite literature of our country.

John Barbour's metrical history of Robert Bruce may fairly be taken as the ascertained literature of Scotland in the later half of the 14th century. The vigorous writer of the story of Bruce's chequered, interesting, and glorious career, was born a few years after the battle of Bannockburn. The place of his birth and its exact date have not been discovered, and little is known concerning his early life. He was Archdeacon of Aberdeen in 1357, and the same year Edward III. granted a safe conduct to Barbour to visit the University of Oxford, with three scholars in his company, for the purpose of study.³⁰

In 1364 King Edward granted another safe conduct to Barbour, with four horsemen in his company, to pass through England and study at Oxford, or elsewhere, as he thought fit.³¹ Next year he was allowed to go through England, with six horsemen accompanying him, and pass to St. Denis, near Paris, and other sacred places. Again, in 1368, he was authorised by the king of England, with two servants and two horses, to pass through the country on his way to France, for the purpose of study.³²

Barbour was occasionally employed in the public service. In 1373 he was Clerk of Audit of the king's household, also one of the Auditors of Exchequer, then sitting at Perth; and in 1382 and 1384 he was one of the Auditors of Exchequer.³³

About this time he was composing the great national poem which has handed down his fame. From his own statement,

³⁰ Barbour's *Bruce*, Jamieson's edition. *Life of Barbour*, pp. 4-6.

³¹ *Ibid.*, p. 6. *Rotuli Scot.*, Vol. I., p. 886.

³² *Rotuli Scot.*, Vol. I., pp. 897, 926.

³³ Innes's Preface to Barbour's *Bruce*, p. 4.

the work in 1375 was more than half written.³⁴ He was rewarded by the government with a pension, "for writting The Book of the Deeds of King Robert I."; ³⁵ and he died, advanced in years, about 1396.

We have seen the only compositions in the language were the short ballads and metrical tales, but few of these were committed to writing before the time of Barbour. Among the educated the prevailing fashion was to write in Latin, and mumble in an unknown tongue. It is certainly creditable to Barbour that he renounced this custom, and boldly composed his stirring strains in the dialect of the people—"that every man might understand it". His chief aim was to write a plain and soothfast story,³⁶ and in this he has succeeded admirably.

He was endowed with good natural faculties, the cast of his mind shows a clear and delicate insight of human nature; his feelings and sympathies were keen and warm, he was in harmony with the spirit around him; but his opinions were extremely liberal for that age. If in a few instances he has departed from his wonted fairness and moderation, it is more the fault of his times and his position than any defect in the character of the man.³⁷

Regarding the literary merits of his work, his language and style are remarkably good. It has the qualities of brevity, terseness, and point—qualities of style which are rarely found in the compositions of the middle ages. His descriptive powers were considerable, his delineation of character is often clear and touching. Withal, his poem is pervaded by a dignified simplicity and directness of aim that never fails to arrest attention.

³⁴ Barbour's *Bruce*, p. 319; Spalding Club edition.

³⁵ Chamberlain's *Rolls*, Vol. II., pp. 128, 153, *et seq.*; Vol. III., p. 269.

³⁶ Barbour's *Bruce*, B. I.

³⁷ "His terrible imprecation on the person who betrayed Sir Christopher Seton—'In hell condampnyt mot he be'—ought not to have been uttered by a Christian priest. His detestation of the treacherous and cruel King Edward induced him to lend a credulous ear to the report of his consulting an infernal spirit."—Irving's *History of Scottish Poetry*, p. 103.

The historical value of Barbour's work has long been recognised and often commented on. All deem him a trustworthy authority.

The poem of *The Bruce* is a long work, extending to about 150 chapters. Some of its editors—Pinkerton and Dr. Jamieson—divided it into books; but Mr. Innes, in his edition, has returned to the divisions of the original.³⁸

The first part of the work is devoted to the early career of Bruce. His varied and eventful fortune, his many reverses, privations, and exploits are all narrated with much energy, warmth, and spirit; the progress of the war, the capture and casting down of castles. Then comes a clear account of the preparations for the memorable struggle which secured the independence of Scotland. It is here that Barbour put forth all his power, and produced a masterly description. The gathering armies of England, the march to Stirling, the appearance of the English hosts—divided into ten battles, with all the accompanying pomp and circumstance of war—mounted knights, banners and pennons waving on high, shields, spears, and burnished armour glowing in the sun's beams, as if all the land was in a glare. On the other hand, the small army of the Scots mustering, and Bruce's homely manner of cheering his men, their confidence in their leader,³⁹ are all very skilfully

³⁸ Innes's Preface to Barbour's *Bruce*, p. 30.

³⁹ As a specimen of the language, I give a part of the speech which Barbour reports Bruce to have addressed to his army on the eve of the battle :—

“ For we have three gret awantagis :
 The first is, that we haf the rycht,
 And for the rycht ay God will fycht ;
 The other is, that thai cummyn ar,
 For lyppynnyng off their gret powar
 To sek us in our awne land
 And has broucht her richt till our hand,
 Riches in to sa gret quantite,
 That the powrest of you sall be
 Baith rich, and mychty thar with all,
 Giff that we wine, as weill may fall.
 The third is, that we for our lives,
 And for our childre, and for our wives,
 And for our fredome, and for our land,
 Ar constrained in to battle for to stand.”

—pp. 241, 243 ; Jamieson's edition.

contrasted with the glittering pride and parading splendour of the enemy's squadrons.

After a number of striking incidents, which serve as a prelude, the great battle begins: the glaring armour, the fierce charge, the reeling of horses, the mighty hosts of England broken against the wall of Scottish spears; the crash of lances, the blows with axes, which cleaved both helmets and heads, the thuds of the strong steel weapons hewing the mail, the intense eagerness of the Scotch in the midst of the fight, the confusion and slaughter of the enemy, the grass red with blood, the final panic and flight of the foe—are all rendered with graphic power.

The remaining part of the work continues the narrative to the close of Bruce's reign. It contains sketches of his companions in arms—Douglas, Randolph, and Edward Bruce. The poem throughout manifests a keen and animated genius.

Barbour also wrote a book called *The Brute*, a genealogical history of the kings of Scotland, and recently a manuscript of some other writings of Barbour's was discovered.⁴⁰

⁴⁰ Winton's *Chronicle*, B. III., Ch. 3. Jamieson's *Memoir of Barbour*, pp. 14, 15.

(1) The deeds of Bruce have been celebrated by several other Scotch poets; and it is said one of them preceded Barbour—a Peter Finton, a Monk of Melrose. Finton's work is mentioned in Gordon's preface on the same subject, but not a fragment of it is now known to exist.—Irving's *History of Scottish Poetry*, p. 109.

(2) Patrick Gordon, gentleman, composed in heroic verse, "*The Famous History of the Renowned and Valiant Prince, Robert, surnamed the Bruce, King of Scotland.*" The first book only was printed at Dort in 1615, afterwards reprinted at Edinburgh in 1718, and at Glasgow in 1753. This poem comes no further than the battle of Bannockburn. It is characterised by Dr. Irving as deficient in dignity, and replenished with expressions violating every rule of grammar. Dr. Jamieson's *Memoir*, pp. 19, 20. Irving's *History of Scottish Poetry*, p. 110.

(3) Another work in manuscript in the archives of the Society of Antiquaries, is mentioned by Dr. Jamieson, on Robert Bruce, King of Scotland, written about the end of the reign of James VI. The Doctor says, the design of this author seems to have been to modernise Barbour.—*Memoir of Barbour*, pp. 20, 21.

(4) In 1729 a poem by John Harvey, entitled *The Life of Robert Bruce, King of Scots*, was published at Edinburgh. I have never seen this work, but according to Dr. Irving it has some, though certainly not great, merit.

The earliest known edition of Barbour's *Bruce* was printed at Edinburgh in 1571. Of this only one imperfect copy now exists. The next edition, also very scarce, was printed at Edinburgh in 1616. There have been many editions since,

After a short interval, Andrew Winton, the Prior of St. Serf's Monastery, wrote the *Original Chronicle of Scotland* in the language of his country, still, however, in the form of a metrical history. The date of his birth, and the particulars of his early life are alike unknown. He was Prior of St. Serf in 1395, and he lived at least to 1420. Winton was therefore a contemporary of Barbour, and on various occasions he mentions and applauds the archdeacon.⁴¹

Winton complains of the scarcity of written memorials, though it can hardly be doubted he had access to some important documents now lost. He states that he had part of the *Chronicle* compiled by Peter Comestor in his day—the chronicles of Orasius and Friar Martin, and English and Scottish stories. The last would be the ballads, rhymes, and stories current among the people. He inserted about 300 lines in his own chronicle from Barbour's *Bruce*, and transferred 36 chapters from a person not named, and adopted them in his own work. He mentions the names of a number of ancient classic writers, and some of the fathers of the church.⁴²

Winton called his work the original chronicle of Scotland, but he commenced it with a general history of the world: treating at length of angels, creation, the death of Abel, the generations of Cain and Seth, the primeval race of giants, the ark of Noah and the flood; the situation of India, Egypt, Africa, Europe, Britain, Ireland, and various other countries; onward to the confusion of tongues, the lives of the patriarchs, the judges of Israel, the siege of Troy, the origin of poetry and Mohammedanism, and the arrival of Brutus in Britain. Five out of the nine books into which his work is divided are mostly filled with these diverging and multiform topics, till at length, in the sixth, he begins to speak of the war between the Picts and Scots, and gradually confines himself to Scotland.

⁴¹ Winton's *Chronicle*, Book VIII., Chs. 7, 18, 23.

⁴² Innes's Preface to Barbour's *Bruce*, p. 7. Irving's *History of Scottish Poetry*, p. 121.

The language of Winton is much the same as Barbour's ; both follow the same form of versification. In genius Winton falls much below Barbour. The composition, however, of his chronicle is often spirited, but the descriptions are frequently rather diffuse, though these digressions are interesting, as they cast light on the state of society. In the character of a narrator he is valuable, his simple account of events is generally trustworthy, and his *Chronicle* has afforded useful information to modern inquirers.

Winton was a staunch churchman, and embraced every opportunity to enhance and magnify the power and dignity of the clergy. He was far more under the influence of superstitious feeling than Barbour, and the original *Chronicle* contains many fabulous legends and stories, which convey a curious impression of the credulity of the age. Indeed there was hardly anything too gross for him to swallow.⁴³

A number of manuscripts of Winton's *Chronicle* are preserved, and it seems to have been popular in the middle ages. In 1795 the part of it relating to Scotland was edited by David Macpherson, and published in two volumes. Recently two volumes of a new edition, which is to contain the entire work, has been issued among the series of Scottish histories.⁴⁴

James I., as we have seen, was an able ruler ; but he was also a poet, and composed in the Scottish language. His effusions have found several editors, but no complete and accurate collection of his poems has as yet been published.⁴⁵

⁴³ In the 12th Chapter of the 5th Book there is a remarkable legend of St. Serf.

⁴⁴ The 3rd volume, which was to complete Dr. Laing's edition, has not yet appeared.

⁴⁵ "All the productions ascribed to James I. may be seen in Sibbald's *Chronicles of Scottish Poetry*, published at Edinburgh in 1802. Here, however, the *King's Quair* appears in a mutilated state."—Irving's *Lives of Scottish Poets*, Vol. I., p. 300. Compare Irving's *History of Scottish Poetry*, written later, p. 135. George Chalmers edited the *Poetical Remains of some of the Scottish Kings*, London, 1824. Dr. Irving also speaks of Chalmers's performance in very reprehensible terms.

His poetical reputation has stood the test of more than 400 years.

James's early education, when a prisoner in England, afforded him many opportunities of cultivating his mind, which he assiduously embraced. His energy and talents were of the mettle which would have made him shine in any sphere of life; but the ardent admiration of some of his contemporaries and later biographers have invested him with faculties bordering on the supernatural, and their encomiums must be received with limitations. He is celebrated as an adept in all the manly exercises then fashionable. He was well acquainted with the use of the bow and the spear; he handled the sword with the ease and dexterity of a master; he was an excellent horseman, a great pedestrian, and a fleet runner.⁴⁶ Regarding his literary attainments, he is not only extolled as a poet, but also for his proficiency in polite literature, philosophy, and jurisprudence.⁴⁷ He is represented as a musician of consummate skill, excelling in vocal as well as instrumental music. He was especially distinguished as a performer on the harp, and touched its strings like another Orpheus.⁴⁸

But eminent attainments are rare, even in a few departments, and universal acquisition and proficiency in each can hardly fall to the lot of any one, simply because the power of the human mind is limited; and when its exertions are divided and spread over the fields of science and art, this diffusion at some point checks or breaks the strength of the mind.⁴⁹

After all abatements certainly James I. was a man of real genius, and had amassed a considerable share of knowledge. His mind was active and elastic, of the stamp which does not

⁴⁶ Tytler's *Poetical Remains of James I. Dissertation on the Life of James I.*, pp. 38-40.

⁴⁷ Bower, in the last Book of the *Scotichronicon*. Compare Buchanan's *History*, B. X. Ch. 57.

⁴⁸ *Scotichronicon*, Vol. II., pp. 504, 505.

⁴⁹ Dr. Bain's *The Senses and the Intellect*. At the moment I cannot recall the passages; but this principle runs through his system.

lie still and rest satisfied, but ever moves onward. His habitual energy did not permit a single hour of his life to be wasted in listlessness ; he was always occupied with his varied business and recreations.⁵⁰ It is chiefly to this mental activity, combined with a power of continuous attention, that every kind of eminence must be ascribed. Many have, and are now, descending ingloriously into the grave, who might, with sufficient exertion, have transmitted their names to unborn ages.

The chief work of this accomplished prince is the *King's Quair*, a pretty long poem, divided into 6 cantos, and extending to 197 stanzas. It was composed when he was a prisoner in England, and its subject is the praise of the lady who afterwards became his wife. It is written with much spirit, exhibiting here and there fine touches. It shows abundance of feeling and simplicity, a keen imagination, and a warm heart—the genuine marks of real poetry.

A few verses as a specimen of the style, slightly modernised, may be given :—

“ Then, as it hapt, mine eyes I cast below,
And there I spied, beneath my prison tower,
Telling her beads, in walking to and fro,
The fairest and the freshest youthful flower
That ever I beheld before that hour ;
Entranced I gazed, and with the start
Rushed instant all my blood into my heart.

Awhile I stood, abased and speechless quite,
Nor wonder was ; for why ?—my senses all
Were o'ercome with pleasure and delight,
Only with letting thus my eyes to fall,
That instantly my heart became her thrall
For ever of free will : for nought was seen
But gentleness in her soft looks serene.

.
In her did beauty, youth, and bounty dwell,
A virgin port, and features feminine ;
Far better than my feeble pen can tell,
Did meek-eyed wisdom in her gestures shine,

⁵⁰ Irving's *History of Scottish Poetry*, pp. 133, 134.

She seemed, persay, a thing almost divine—
In word, in deed, in shape, in countenance,
That nature could no more her child advance."⁵¹

The king in this poem often manifests a strong sympathy with surrounding nature; his capacity for enjoyment was certainly very great. He closes his performance by recommending it to his masters—Gower and Chaucer.⁵²

King James is reported to have written other poems, most of which are now lost. One piece commonly ascribed to him, *Christ's Kirk on the Grene*, is still preserved, and was long popular. It consists of 23 stanzas; and it is an exceedingly comic and humorous composition, brimful of rustic and genial pleasantry. The subject of the poem is a rural gathering, which is described in a graphic style. The language is rather difficult, but there is much pith in this ridiculous poem. They danced, revelled, and at last quarrelled and fought:—

“ Tam Sutar was their minstrel meit,
O Lord, as he could lanns !
He played so shrill, and sang so sweit,
While Tousy tuke a transs ;
Auld Lightfute there he did forleit,
And counterfuted Franss ;
He used himself as man discreit,
And up tuke Moorish danss
Full loud,
At Christ's Kirk of the Grene that day.”⁵³

After the dancing, among other incidents of the scene, the bow is introduced, and the poet ridicules their awkwardness in handling it, and the failure of their attempts:—

“ With that a freind of his cry'd fy !
And up ane arrow drew,
He forgit it so furiously
The bow in flinders flew.
So was the will of God, trow I,
For had the tree been trew,
Men said that kend his archery
That he had slane anew
That day.

⁵¹ Tytler's *Poetical Remains of James I.*

⁵² *Ibid.*, p. 162.

⁵³ *Ibid.*, pp. 169, 170.

An eager man that stude him neist
 Lous'd aff a schott with ire,
 He ettlit the barn in at the breast,
 The bolt flew o'er the bire.
 Ane cry'd fy ! he had slane a priest
 A mile beyond a mire ;
 Then bow and bag fra him he keist
 And fled as ferss as fire
 Of flint.

Then Lawrie as ane lyon lap
 And soon an arrow feathered,
 He aim'd to pierce him at the pap,
 Thereon to wad a wedder ;
 He hit him on the wame a wap,
 It buft like onie bladder,
 But sae his fortune was and hap
 His doublet was of leather,
 And saved him."⁵⁴

Another burlesque poem has sometimes been attributed to James I., called *Peblis to the Play*. This piece is supposed to be a description of the annual gathering held at Peebles in the month of May.⁵⁵ It opens with a description of the people flocking from all parts of the country to their holiday.

James is also credited with having written verses in Latin. Bower and Buchanan speak of his Latin rhymes,⁵⁶ but none of them have survived the hand of time. To sum up our literary estimate of James I., he everywhere shows energy and movement, wide and varied sympathies, and a remarkable capacity for enjoyment. He was gifted with a signally quick eye and a keen relish for the comic and the ludicrous side of men and things ; and he certainly had the power of moving the risible faculty.

Our next poet was a more remarkable personage than King James himself—Blind Harry, as he was familiarly called, the author of the metrical life of Wallace. Mair, who wrote in the

⁵⁴ Tytler's *Poetical Remains of James I.*, pp. 173, 174, 178, *et seq.*

⁵⁵ Tytler's *Dissertation on the Life of James I.*, pp. 33, 34.

⁵⁶ *Scotichronicon*, last Book. Buchanan's *Hist.*, B. X., ch. 57.

beginning of the 16th century, tells us that Henry was blind from his birth, and followed the occupation of a minstrel. In his infancy, he says, Henry composed an entire work on the deeds of Sir William Wallace from such stories as were current among the people, which he wove into rhyme, and earned his food and raiment by reciting them before men of the highest rank.⁵⁷ That a man born blind amid the rudeness of the times attained even the culture implied in the composition of the *Life of Wallace*, is certainly a remarkable occurrence. Henry describes himself as a rustic man ;⁵⁸ but it is clear his education and information were above the standard of the age. He belonged to a class of characters then common in Europe ; and so far as Scotland is concerned, they demand a passing notice in connection with society and the literary food of the people.

We have already come across the bards in more than one relation. The position of the minstrels in Scotland during this period was pretty well settled. Some consider them the genuine successors of the ancient bards, and suppose them to have accompanied their recitations with music.⁵⁹ Others have striven hard to represent them as little above the rank of the modern fiddlers.⁶⁰ Though the minstrels might sing their verses and rhymes to the harp or other instrument, it seems a talent for rhyming and relating stories was their chief characteristic. The name, however, was used in a vague sense, and often when our ancestors speak of minstrels, they simply mean musicians and reciters.⁶¹ Blind Henry himself speaks of minstrels attending the army of his hero, and places them on the same footing as heralds, and an act of parliament (1471) classed

⁵⁷ Mair's *Gestio Scotorum*, p. 169. 1740. Dr. Jamieson's *Ed. of Henry's Wallace, Remarks*, p. 1.

⁵⁸ Henry's *Wallace*, p. 360.

⁵⁹ Percy's *Essay on the Ancient Minstrels in England*, p. 21.

⁶⁰ Ritson's *Ancient Songs*, Vol. I., Intro., pp. 8-26, 37. 1829. *Ancient Metrical Romances*, Vol. I., Intro., pp. 207-217. 1802.

⁶¹ As the Minstrel in the poem of Christ's Kirk, quoted already. See Scott's *Minstrelsy of the Scottish Border*, Introd., pp. 49-52.

minstrels with knights and heralds, and permitted them to wear silk apparel.⁶² On the other hand, in the reign of James II., bards were classed with masterful beggars, feigned fools, and such like runners about.⁶³ From this it appears some of the multitude of beggars and other runners about had feigned and assumed the character of bards, merely to enable them to escape the laws, and prey with more impunity upon the industrious population.

In those times most of the boroughs of Scotland had their minstrels, who were paid out of the common fund, for performing public duties, and appearing in their official character on great occasions.⁶⁴ The kings too, had their minstrels. There is mention of one kept by Robert Bruce ; and Robert II. granted a pension of £10 a year to his minstrel, Thomas Acarsone.⁶⁵ Blind Henry himself was not altogether neglected by James IV. Small sums were from time to time given to him out of the national funds ; the latest occurred in the month of January, 1492. It is inferred that the blind minstrel died soon after this date.⁶⁶

We must take blind Henry as the best known example of our national minstrels. He cannot be regarded as an ignorant man, and certainly he was gifted with an uncommon share of genius. In attempting to estimate the merit of his *Life of Wallace*, we must remember the disadvantages of his blindness, and the difficulties connected with the circumstances in which his work was composed. As already stated, there was no printed books in Scotland, but he could not have consulted them whatever, neither could he write his own verses ; and we can

⁶² Henry's *Wallace*, p. 214. *Acts Parl. Scot.*, Vol. II., p. 100. I may say it is Jamieson's Edition of Henry's *Wallace* that I always refer to.

⁶³ *Acts Parl. Scot.*, Vol. II., pp. 36, 51.

⁶⁴ *Burgh Records of Aberdeen*, Vol. I., pp. 166, 167, 105, *et seq.* *Burgh Records of Edinburgh*, Vol. I., p. 152. Kennedy's *Annals of Aberdeen*, Vol. I., p. 98.

⁶⁵ Chamberlain's *Rolls*, Vol. II., pp. 95, 111.

⁶⁶ *Treasurer's Accounts*. Aytoun's *Ballads*, Vol. I., Introd., p. 81.

easily conceive that a skilful amanuensis may not always have been at his command. The mistakes incident to the ignorance or the carelessness of transcribers may partly account for the errors which abound throughout the work.⁶⁷

The mere historical value of Henry's *Wallace* is not great, though I am inclined to hold that its merits even in this respect have often been under estimated. There is a considerable stratum of fact interwoven into the work ; but, on the other hand, portions of it are complete romance. He was familiar with the current romances and with the popular histories of his time.⁶⁸ He professed to draw the materials of his narrative chiefly from a Latin chronicle by John Blair, who was a schoolfellow of Wallace, and afterwards one of his adherents. Henry also refers to Con's chronicle ; in the course of his narrative he frequently speaks of the "book and my author".⁶⁹ None of these works have come down to us. Such are the few facts revealed by the work itself touching the sources from which it was drawn.

In the first part of this chapter we noticed the rude ballads and songs relating to the war, and the personages engaged in it ; and there can be no reasonable doubt that a number of detached ballads and stories, founded on real and fabulous incidents referring to the career and the death of Wallace, had accumulated round his name during the century and a half which intervened ere Blind Henry began his work. He would, therefore, find ample materials ready to his hand. All that the blind minstrel had to do was to work these ballads and stories into his composition round his hero. This, I believe, is just what he did.

This view clears up the whole circumstances connected with the blind man's performance. There is no mistake the people were prepared and ready to receive the *Life of Wallace*, even to

⁶⁷ Dr. Jamieson's remarks on Henry's *Wallace*, p. 3.

⁶⁸ Jamieson's Preliminary Remarks on Henry's *Wallace*, p. 5.

⁶⁹ Henry's *Wallace*, pp. 2, 83, 103, 221, 308, 358-360.

swallow it with exulting gusto. It was in complete harmony with their spirit and feeling, and narrated what they delighted to hear about their hero and idol.

On this ground Henry's *Wallace* is exceedingly valuable. It is an embodiment of the notions, the feelings, and the sentiments of the people, which is nowhere else found. In fact it is the only history of the period in this department, and more real than any acts of parliament or canons of the church.

The pictures of revenge, hate, ferocity, and blood, which Henry often presents are extremely painful to contemplate. Indeed he ascribes a degree of cruelty to Wallace himself which most assuredly never belonged to his character; though this fierceness was a feature of our intense nationality, which was aroused by the ambitious schemes and policy of Edward I.,⁷⁰ and followed up by his successors whenever an opportunity offered. I have already delivered my judgment on Edward I., and given reasons for it, which is more than my opponents have ever done.

Touching the literary qualities of this exceedingly long poem on the deeds of Wallace little need be said. The composition is full of spirit and vivacity. Henry's account of battles and adventures are not constructed with much art; but the vigour of his mind and the glow of his patriotism rarely suffers the reader's attention to languish. The poem itself presents little else but a continued round of adventures bathed in blood; nevertheless, he moves on to every new encounter with unabated ardour.⁷¹ There are a few references to the face of nature, and here and there touches which stand out in contrast to the general series of fights and blows.

⁷⁰ Jamieson's *Remarks on Henry's Wallace*, pp. 6, 7. "The story of Wallace, says Burns, in his letter to Dr. Moore, poured a tide of Scottish prejudice into my veins which will boil along there till the flood-gates of life shut in eternal rest." —Quoted by Dr. Irving, *History of Scottish Poetry*, p. 189. Dr. Irving himself measures very well the strength and the vehemence of the national feeling and bitter animosity which prevailed among the Scots against Edward Longshanks.

⁷¹ Irving's *History of Scottish Poetry*, pp. 186, 187.

The blind minstrel concludes his work thus—"Go, noble book, full of good sentences, suppose thou art barren of eloquence. Go, worthy book, full of true deeds, but in language thou hast great need of help. When there were many good poets in Scotland it was a great pity that none of them cast their attention on thee. Yet there is part that can many advance; now bide thy time and be a remembrance. I bespeak your benevolence, for the book is said as well as I can."⁷²

In the forecast of the appreciation of his work among the people the minstrel was not mistaken. It enjoyed for more than three hundred years an unexampled popularity among the Scots.⁷³ Henry himself viewed Wallace with a degree of rever-

⁷² Henry's *Wallace*, p. 360.

⁷³ The earliest edition of Henry's *Wallace* was printed at Edinburgh, 1570; there is a fine copy of it in the British Museum. Another edition in 1594. There were many other editions printed at Edinburgh in black letter—1601, 1620, 1643, 1673. One at Aberdeen, 1630; another at Glasgow, 1665. There were many editions of more recent date. See Pinkerton's *List of Scottish Poets*, Vol I., p. 365, and Dr. Jamieson's Preliminary Remarks to Henry's *Wallace*, pp. 7-9. The Doctor's own edition is the best that has yet appeared. It is taken from a manuscript dated 1488, written by John Ramsay. If my memory does not deceive me, this is the only MS. of Henry's *Wallace* known to exist.

A modernised edition was published at Glasgow, 1722, which was popular in the 18th century and early part of the 19th.

The blind minstrel is not the only man who has celebrated the patriotism and noble deeds of Wallace; this has been frequently done since his day—

"A fair renown, as years wear on,
Shall Scotland give her noblest son;
The course of ages shall not dim
The love that she shall bear to him."

—Baillie's *Metrical Legends of Exalted Characters*, p. 78. Quoted by Dr. Irving, *History of Scottish Poetry*, p. 198. There is a ballad on one of the achievements of Wallace, related by blind Henry, which has been long popular in the north, and of which there are many different versions; it has been often printed. See Aytoun's *Ballads*, Vol. I., pp. 54-57.

Dr. Jamieson himself has composed and published at the end of his edition of Henry's *Wallace*, a short poem entitled an *Address to the Cartlane Craigs*, the well-known hiding-place of Wallace. I here quote a few verses from it:—

"Blest Freedom flourish'd in this wild,
When banish'd from each cultur'd spot;
Expiring Albin saw and smil'd
And all her wounds and woes forgot.

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ence verging on idolatry, endowing him with supernatural strength and other extraordinary attributes.⁷⁴ The people, too, retained, and still retain, a remarkable respect for their greatest hero; they gloried in recalling the memory and musing over the deeds of the great national warrior.

Robert Henryson was a contemporary of the blind minstrel, and one of the most eminent and estimable of our early writers. Touching the place or date of his birth and early life no certain information has been discovered. It is supposed that he was born about 1425. Though he must have received a liberal education it does not appear that he matriculated at either of the two Universities of Scotland. But in 1462 the venerable Master Robert Henryson, licentiate in arts and bachelor in degrees, was admitted a member of the newly founded University of Glasgow.⁷⁵

Henryson acted for some time as a notary-public in Dunfermline. This would account for the minute knowledge of the state of society which his works exhibit. He is also represented as schoolmaster of Dunfermline, and his name remains associated with that historic place.⁷⁶ He died at an advanced age

Ye towering cliffs, your form upright,
The awful frown ye downward send,
Seems to portray that faithful knight,
Who to his foes would never bend.

I love thy gloom, thou cavern drear;
Such magic influence quite unfelt,
Where lordly domes their turrets rear;
—Here Freedom and her first-born dwelt.

Hence bursting, like the wrathful blast,
That issues from thy hallow glade,
To hostile Lanark Wallace pass'd,
And low the haughty Southeron laid."

⁷⁴ Henry's *Wallace*, pp. 6-8, 19-22, 168-170, 334-336, 350, and many other passages. See also Irving's *Lives of the Scottish Poets*, p. 362.

⁷⁵ Dr. Laing's Memoir to his edition of *Henryson's Poems*, pp. 10-12.

⁷⁶ *Ibid.*, pp. 13-19—"We cannot presume to say that the poet was erroneously called schoolmaster, and the fact seems to be that the Grammar School of Dunfermline was within the precincts of the Abbey, and under the jurisdiction of the Abbots." *Ibid.*, p. 16—And Henryson may have taught there.

about the end of the 15th century.⁷⁷ Judging from his works, he appears as a man of good sense, a keen observer, of a meditative disposition, and feelingly alive to the suffering and injustice which prevailed around him.

As a poet and writer in the language of the people Henryson stands high. His style is easy and flowing. Though he does not show much fire, passion, or great inventive genius, he had a fine perception of the beauties of external nature. He handles the objects around him and their associations with remarkable skill, and his descriptions are often vivid and touching.

The *Testament of Cresseid* is regarded as Henryson's chief work. It extends to upwards of 600 lines, and it was written as a supplement to a work of Chaucer—*The Troilus and Creseide*.⁷⁸ Henryson thought the conclusion of that work unsatisfactory, and composed this piece to finish it off in what he deemed the proper catastrophe of the story. Cresseid, who proved false and inconstant to her devoted lover, is here inflicted with a severe punishment; she becomes afflicted with leprosy. Though here and there we come on touches of beauty and pathos, in the course of the narrative there is a curious jumble

⁷⁷ Dr. Laing's Memoir to his edition of *Henryson's Poems*, pp. 20, 21.

⁷⁸ *Ibid.*, pp. 25-28. Dr. Laing says in his notes to this poem—"Henryson's *Cresseid*, we may presume, was printed by Chepman & Miller, with other popular works, which are not now preserved. It was transcribed by Asloan in 1515 in that portion of his manuscript which is lost. . . . In a printed form it first appeared in the collected edition of Chaucer's works, edited by William Thynne, and printed at London, 1532. . . . There is no indication given of the author."—p. 257.

"The earliest known edition of Henryson's *Cresseid* printed in Scotland is that of Henry Charteris, 1593; there is a copy of it in the British Museum."—*Ibid.*, p. 258.

"In the confirmed testaments of Edinburgh booksellers and printers, in the *Bannatyne Miscellany*, Vol. II., the titles and value of the books in stock are sometimes specified; and these furnish various proofs how completely copies of many popular books have disappeared. For instance, Robert Gourlay, in 1585, had three copies of the *Testament of Cresseid*, valued at fourpence each; Henry Charteris in 1599, had 545 copies, estimated at the same price; and Robert Smyth, in 1602, had 1638 copies. Yet of so many hundred copies only the above solitary one of the edition, 1593, is known."—*Ibid.*, p. 259.

of classic mythology exhibited. The seven divinities are ranked up in succession, and portrayed in a rather grotesque fashion. Cresseid's lamentation of her fall is pathetic :—

“ O sop of sorrow, sonken into cair !
 O, captive Cresseid ! now and ever mair,
 Gane is thy joy, and all thy mirth in eird,
 Of all blithness now art thou blake and bair.”⁷⁹

Some of Henryson's short poems are good examples of the didactic cast of poetry. As his *Abbey Walk*, *The Praise of Age, Age and Youth*, and several others. They are pervaded by a solemn, moral, and religious tone of thought and feeling. Though they do not approach the highest class of poetry, they will compare favourably with the productions of his contemporaries.

His *Bludy Serk* is an allegorical piece constructed with some ingenuity. It is an early specimen of what is called ballad poetry.⁸⁰ His pastoral poem, *Robene and Makyne*, has always been highly praised.⁸¹ It is written in a natural and smooth style.

The other class of Henryson's poems consist of his moral fables. They amount to thirteen, besides two prologues. Most of them are marked with a quiet humour, much simplicity, clearness of thought and style. As elsewhere stated, these fables contain many allusions to the customs of society, the rapacity of the aristocracy, and the hard treatment of the poor people.⁸² He manifests considerable skill in narrating a story, and always aims at producing a moral effect.

We have now gone over a fair number of rhymers and poets who wrote in the Scottish language at this early period. When so much was composed and written surely some of it must have been read. Our list of early poets, however, is not

⁷⁹ Henryson's *Poems*, Laing's edition, pp. 89, 90.

⁸⁰ Aytoun's *Scottish Ballads*, Vol. I., pp. 86-91.

⁸¹ Henryson's *Poems*, Laing's edition. See Irving's *History of Scottish Poetry*, p. 224.

⁸² *The tale of the dog, the sheep, and the wolf*, quoted in the last chapter.

yet exhausted. Dunbar belongs partly to the 15th century, but he lived for more than a quarter of the next, and his writings will fall most appropriately into the literature of the first half of the 16th century.

The first prose history of Scotland, Fordun's *Chronicle*, was composed in Latin, and written in the later half of the 14th century. Fordun wrote the first five books, and left some materials which he had collected, down to 1383. This work was continued by Walter Bower, the Abbot of St. Colm, to the death of James I.⁸³ All our historians have been indebted to the authors of this compilation; but it cannot be said to have much literary merit; and in most of the essential requisites of history it is deficient. As it is not in the language of the people, it has not the same claim as the works of Barbour, Winton, and Blind Henry.

It is true, the Latin language and literature throughout the middle ages had a considerable effect on various institutions in Scotland. Our civil law is partly founded on Roman jurisprudence, and our municipal organisation may to some extent be indebted to the same source; though it seems to me that rather much has been ascribed to Roman influence in the latter connection. There were elements in our boroughs from the first which we will seek in vain amongst the ancient Roman cities.

When Latin was almost exclusively employed as the vehicle of thought and writing among the learned in Europe; and while our clergy looked to Rome as the source of excellency, and much of the public worship was mumbled and chanted in Latin, it could not fail to have an effect, whether good or bad. It is, however, clear that in the 15th century the vulgar dialect was fast becoming powerful among all classes of the nation. The number and extent of the popular works in the Scotch dialect

⁸³ See Dr. Skene's Introduction to the first volume of Fordun's *Chronicle*, published in the series of Scottish histories.

noticed in this chapter affords evidence of the growing influence of the national literature.⁸⁴

The growing importance of the native language is seen in other directions. At first and for long the acts of parliament were written in Latin. But about the end of the 14th century they were sometimes written in the Scotch dialect; and after the return of James I., 1424, the acts of parliament were henceforth recorded and proclaimed in the language of the Lowland people. And the records of the proceedings of the king's council, and the judicial committee of parliament in the later half of the 15th century, were written in the vernacular. The early laws of David I., William the Lion, the Alexanders, and Robert I., were translated into Scotch in the 15th century. The ancient code of borough laws was also rendered into Scotch. And the records of the boroughs themselves for the 15th century were mostly written in the vulgar tongue. Even some of the records of the religious houses now began to be written in the speech of the kingdom.⁸⁵

There was then as now two languages in Scotland, the Gaelic and the Lowland Scotch, both living forms of speech which the people understood. In these languages their traditions, legends, ballads, and poetry, were embodied, and more or less familiar to the humblest of the land. The Lowland Scotch dialect continued to be partly influenced by the Gaelic, especially in its orthography.⁸⁶

There were, however, external influences which effected the development of the Lowland Scotch as a written language. As might naturally be expected, both English and Scotch writers

⁸⁴ In those times—"To write in the vulgar speech was a humiliation, degradation of the thought and its author; and literary works in the modern tongues were generally prefaced with an apology for appearing in so mean a dress."—Marsh's *Lectures on the English Language*, p. 446. 1861.

⁸⁵ *Acts Parl. Scot.*, Vols. I., II., *Burgh Records of Aberdeen, Edinburgh, and Peebles, and the Registers of the Monasteries.*

⁸⁶ Dr. James A. H. Murray, *The Dialect of the Southern Counties of Scotland*, pp. 26-28, 50-54, 123.

enlarged their vocabulary from the Latin. Indeed from the later part of the 15th century onward the Scotch writers drew pretty freely from Latin sources.⁸⁷

The long intercourse of the Scots with France introduced a number of French words; and in a few instances the French influence slightly effected the form and grammar of the Scotch dialect.⁸⁸ But it should be noted that comparatively few of these foreign accretions remained as abiding elements of the language of the people.

As we have seen, there were schools at an early period attached to the monasteries and in some of the boroughs. What branches of information were taught in these schools has not been exactly ascertained; but singing was taught in them.⁸⁹ In the 14th century there were different classes of Schools; some of the royal boroughs had grammar schools, partly under the patronage of the magistrates.⁹⁰ The grammar schools of Glasgow were founded about the middle of the 15th century, and were under the control of the chancellor of the diocese.⁹¹ Whether the scholars were instructed in the Scotch language at these schools is uncertain, though it is likely they were. The quantity of poems and other acts and documents written in the current dialect would lead us to infer that it must have been more or less taught in the schools of the period. Education,

⁸⁷ *The Dialect of the Southern Counties of Scotland*, pp. 60, 61. "Until the end of the 15th century it was only in the theological and moral departments that Latin had much direct influence upon English, most of the Latin roots introduced into it up to that time having been borrowed from the French; but as soon as the profane literature of Greece and Rome became known to English scholars through the press, a considerable influx of words drawn directly from the classics took place." Marsh's *Lectures on the English Language*, p. 434.

⁸⁸ Dr. James A. H. Murray, *The Dialects of the Southern Counties of Scotland*, pp. 55-60.

⁸⁹ *Burgh Records of Peebles*, p. 55. *Ancient Scottish Melodies*, by W. Dauney, Appendix.

⁹⁰ *Burgh Records of Aberdeen*, Vol. I. *Burgh Records of Peebles*, pp. 52, 157, and Grant's *History of the Burgh Schools of Scotland*.

⁹¹ *Liber Protocolorum Glasgow*, pub. by the Grampian Club, 1875, Vol. I., p. 427.

however, was not diffused among the people ; comparatively few could read and write, except those connected with the priesthood and the monasteries.

The first Educational Act of Scotland was passed by parliament in 1496. This statute has been often noticed, and interpretations put upon it which it certainly cannot bear. It simply enacted that throughout the realm the barons and freeholders, "that are of substance (that is, have means), should send their eldest sons and heirs to the schools until they be founded in perfect Latin ; and thereafter to remain three years at the schools of arts and law. Through which justice may be universal throughout the realm ; so that they who are sheriffs or judges-ordinary under the king's highness may know how to do justice, that the poor people may have no need to seek our sovereign lord's auditor for every small injury".⁹² Those failing to comply with the act were under a penalty of £20 to the king.

The first University of Scotland was a very humble institution ; its origin was exceedingly simple. A few men with some knowledge of literature and philosophy formed themselves into an association in St. Andrews, under the patronage of Bishop Wardlaw, with the laudable aim of imparting instruction to all who chose to attend their lectures. The public lectures were commenced at St. Andrews in 1410, but the Pope's bull sanctioning the establishment of the University did not arrive till nearly three years later.⁹³ Laurence Lindores expounded the fourth book of the sentences of Peter Lombard, the eminent doctor of theology ; there were four lecturers on the canon law, and three teachers of philosophy and logic.⁹⁴

⁹² *Acts Parl. Scot.*, Vol. II., p. 238. The Duke of Argyll, when speaking on the new Scotch Education Act in the House of Lords, attempted to make out that this old act was intended to embrace the people as well as the aristocracy. Perhaps he was safe enough to take the House into his confidence, few of the members would ever think of looking into the old Scotch Acts.

⁹³ *Scotichronicon*, Vol. II., p. 445.

⁹⁴ Irving's *History of Scottish Poetry*, p. 130. See an account of Lombard in Murice's *History of Philosophy*—The Mediæval Period.

On the 3rd of February, 1413, the papal bulls endowing the new University with all its privileges were brought to St. Andrews by Henry Ogilvy, master of arts; their arrival was announced by the ringing of the bells. Next morning the clergy assembled in the refectory of the monastery, when the bulls were presented to Bishop Wardlaw, as chancellor of the institution, and there read aloud. The company then proceeded to the high altar singing *Te Deum*. The rest of the day was passed amid great festivity. The learned clerks and church dignitaries spent the night jovially, drinking wine, and rejoicing in the gladness of their hearts. The 6th of the month was devoted to a grand procession, at once to commemorate the arrival of St. Andrew's bones, and the privileges of the University.⁹⁵

The University of Glasgow was founded (1451) chiefly by the exertion of Bishop Turnbull. Under the authority of the Pope he granted it many privileges. And James II. (1453) took under his protection all the members of this university, the rector, deans of faculty, procurators of nations, regents, masters, and scholars, also the writers, stationers, parchment-makers, students, and beadles; exempting them from all tribute, services, taxation, watchings, wardings, and all dues imposed, or to be imposed, within the kingdom of Scotland.⁹⁶

This university, however, was but poorly endowed. Lord Hamilton, in 1459, granted a house in the city, and four acres of land on the Dovehill to the University of Glasgow. It had to struggle long in an unprosperous state; and in 1521 the number of students was still comparatively small.⁹⁷

The University or King's College of Aberdeen was begun by Bishop Elphinstone, who obtained a papal bull, 1494; but the buildings were not finished nor the education commenced till 1500. The branches taught were philosophy, theology, and canon and civil law.⁹⁸

⁹⁵ *Scotichronicon*, Vol. II., pp. 445, 446.

⁹⁶ *Orig. Paroch. Scot.*, Vol. I., p. 9.

⁹⁷ *Ibid.* And Mair's *De Gestis Scotorum*.

⁹⁸ Innes's *Sketches of Early Scottish History*, pp. 257, 258.

These three Universities of Scotland were closely connected with the Universities of the Continent. In fact they were founded on the models of Louvain, Paris, and Bologna; their framework and system of study resembled these foreign universities. In the early records of the Scotch Universities there are frequent references to the usages of Bologna, Louvain, and Paris, but none to Oxford or Cambridge.⁹⁹

The Scottish Universities were the work of the churchmen of the period; and they were instituted as a part of the vast system of Catholic education which radiated from the Pope and Rome, its head and centre, and which aimed at embracing the whole world within its folds. They were incorporated members of this great system, so their graduates had the privileges of Continental graduates. Thus it was easy in those times for the Scottish students and regents to go over Europe, and pass from university to university. The license to teach, a ready command of Latin, and a talent of logical disputation, was the passport of the Scottish scholar through the Universities of Europe.¹⁰⁰

Our universities were from their foundation seminaries of mental philosophy. The first constituted faculty was that of arts; it was the fundamental faculty in all the universities of the Middle Ages. It comprised the three departments of logic, physics, and ethics, as then understood and taught. The classical languages were afterwards added to the faculty of arts. Some knowledge of Latin was indeed required from all intrants to the university, but Greek was not taught in Scotland before the 16th century.¹⁰¹

As our early music is interwoven with our national songs and dances, so in a less degree dramatic representation is connected with music. The dance, the song, and the drama, constitute the effusive arts around which music has always and everywhere

⁹⁹ Sir W. Hamilton's *Discussions*. And *Mind*, No. V., 1877. Professor Veitch on *Philosophy in the Scottish Universities*.

¹⁰⁰ Innes's *Sketches of Early Scottish History*. And Veitch on *Philosophy in the Scottish Universities*, in *Mind*, No. V., pp. 78-80.

¹⁰¹ *Mind*, No. V., pp. 74, 75. Sir W. Hamilton's *Discussions*.

entwined itself; though all the three may not be simultaneously developed. A people may have many ballads and songs, and little music; or many songs, and dances, and tunes, but little or no dramatic art within their compass. This is nearly what we find among ourselves. In dramatic art and literature we have always been a long way behind our southern neighbours; while in the song and dance, with their associated music, we come much better up.

I deem the purely effusive arts a most important branch of civilisation, on the ground of the human enjoyment which they afford. Music especially, as the expression of emotion, when associated with song, the expression of the national sentiments and aspirations, has a wide and powerful moral influence. It is admirably adapted to manifest the higher and nobler feelings of our common nature. Glory to the music, the tickling sound which enlivens the senses, the sinews, and the muscles, exhilarates and cheers the mind; glory to the music which causes rays of joy to pass through the human heart; glory to the music the single solace of many a harassed and noble spirit.

Music originated everywhere among the woods and lawns; and the national music of the Scots is certainly indigenous. As the popular songs and ballads sprang up among the people, so the airs and tunes to which they were sung arose gradually in the same soil. These ancient and simple melodies are the veritable fountain of music.¹⁰² They are based on the feeling and the heart and the spirit of the nation. And though liable to be modified by time and circumstances, nevertheless they are so deeply rooted, they often survive the revolutions of religions, governments, and education; they pass on from parents to their children, from generation to generation, century after century, as a part of the common inheritance.¹⁰³

¹⁰² J. Hullah's *History of Modern Music*, p. 51, 1862. Tytler's *Dissertation on Scottish Music*, pp. 197-199.

¹⁰³ *Ancient Scottish Melodies* (W. Dauney), Intro., pp. 186, 187, 1838. "Musical composition does not consist in an unintermitted presentation of new thoughts, but in the development of a few thoughts—sometimes even of a single

Regarding the names of the popular vocal melodies of the 14th and 15th centuries there is little direct information. The tunes were exceedingly simple, consisting of one measure ; they had no second part like the later airs. When well sung they were very plaintive and affecting.¹⁰⁴

Some have supposed that in Scotland, as in other Catholic countries, the ancient vocal music was overlaid by that of the church. But though the Gregorian chant was taught in our early schools and colleges, the style of the church music is more complex, and probably of later origin, than the simple airs of the national songs.¹⁰⁵ These melodies, I believe, existed among the people before the introduction of Christianity ; and indeed the church, neither in Roman Catholic times, nor since the Reformation, has recognised or sought to develop the native music of the people. The Christian church here has hitherto comparatively failed to appropriate those fine emotional and passionate utterances which embrace the very essence of religion.¹⁰⁶

one, technically, in making the same passage heard successively in various scales, and under various forms of accompaniment." J. Hullah's *History of Modern Music*, pp. 56, 57. See also on *Just Intonation in Song and Speech*, by James Walker, 1876, pp. 21, 22.

¹⁰⁴ Tytler's *Dissertation on Scottish Music*, pp. 198-203, *et seq.*

¹⁰⁵ *Ancient Scottish Melodies*, (W. Dauney), pp. 184, 185 ; Introduction. Tytler's *Dissertation on Scottish Music*, pp. 219, 229, 230. "From the very earliest periods of descant, ecclesiastical musicians had been in the habit of taking the popular melodies of the time and working them into the services of the sanctuary."—J. Hullah, *History of Modern Music*, pp. 77, 78, 79, 87, 88. and pp. 33-35.

¹⁰⁶ "In examining the relations in which the Christian church has hitherto stood towards music in Scotland we are struck by the fact that neither during the long period of the sway of Rome, nor at any time since the Reformation, has she ever recognised or sought to develop that unmistakable musical instinct of the Scottish people, that persistent, unvarying natural aspiration which has sought and found melodious expression in song for the motions of the national heart around the sentiments of home and national life.

"Still further is it worthy of note that, instead of fostering and encouraging this perennial source of joyful feeling, the forms of musical thought to which some of the psalms and hymns have for centuries been wedded, partake more of the austere formality of structural effect than of the beauty which asserts its birth in moral and spiritual law, and which satisfies the highest and noblest aspirations.

The musical talents of James I. were already mentioned. It is supposed that he contributed to the progress of the national music. Whether James composed any tunes himself is uncertain, though it is not unlikely that he did. There were song schools in Scotland and singing boys in the cathedrals from the 12th century onward. During the reign of James I. organs were introduced into the churches. In 1486 there were organs in the Church of St. Nicholas at Aberdeen.¹⁰⁷

The organ, however, though an exceedingly grand instrument, seems never to have satisfied our intense national feeling. And in association with this feeling historically the organ is much less important in Scotland than in England.

In the reign of James IV. the high treasurer's books contain many notices of sums of money paid to musicians. This king had in his service harpers, luters, fiddlers, and men and women who sang and danced to him; also four Italian minstrels who rode about with him; and reciters, who told tales to the king.

"Throughout the history of this constant seeking for and finding forms of musical beauty, which satisfies their longings within the circle of their daily life, how has it come that those who were the special representatives of spiritual life among the Scottish people failed to recognise these passionate utterances around which the very essence of religion lies?"

"As all the best part of life comes through trial and suffering, so these national struggles, wherein the best blood of the country was shed for the one sacred cause of home and freedom, became the very means of embodying the national sentiment as it exists to-day in the hearts of the people.

"How comes it that this element of spiritual beauty in song, whose power has swayed the heart for ages, has never been accepted by the church as the most blessed ally of pure and sincere worship?" *Just Intonation in Song and Speech*, by James Walker, pp. 54, 55. The above paragraphs are quoted from the section on "The Moral Influence of Beauty in Song".

Mr. Walker's book on music was printed for private circulation, and has only reached a limited number of readers. It is a work of great value. It contains much information, couched in a beautiful style. The amiable author has not only written this valuable volume, but in many other ways contributed much to diffuse a higher taste for music among the rising generation of Aberdeen and its neighbourhood.

¹⁰⁷ *Ancient Melodies of Scot.* (W. Dauney), Intro., pp. 106, 107, 358. *Miscellany*, Spalding Club, Vol. V., p. 30. *Collections on the Shires of Aberdeen and Banff*, p. 210. And see also Grant's *History of the Burgh Schools of Scotland*, pp. 64-68.

In 1496, James Mylson, the harper, got 13s. 4d. ; John, Jacob, and Lundoris, the luters, got similar sums for playing before the king. On the 24th of May, two women who sang to the king in Stirling got 14s. ; about a month after two women got the same amount for singing to him. Numerous payments occur in the record to fiddlers, trumpeters, songsters, and dancers, performers on the clairsach, monocorn, and the organ, and other instruments. Some notable characters appear in the record, as the broken-backed fiddler in St. Andrews ; and the crooked vicar of Dumfries, who sung to the king in Lochmaben.¹⁰⁸

But it was not merely the king who had musicians, the towns had their pipers and minstrels. In 1487 there were three public pipers in Edinburgh. They were supported in this manner : 'the provost, council, and deacons ordained that the common pipers of the burgh be fed for the honour of the town—that the pipers go and get their food day about from all persons of substance ; or if the pipers, take wages they must live thereon for that day. All who did not give them food, to give them ninepence on their day, that is, to each piper threepence at the least'.¹⁰⁹ The chief towns throughout the kingdom had their common musicians. Sometimes they were called minstrels,

¹⁰⁸ *Historians of Scot.*, Vol. V., pp. 301-303. *Aytoun's Scottish Ballads*, Vol. I., pp. 80-86, Intro. "It were equally easy to silence the fashionable sneer often made, we believe, in utter ignorance of facts, which says, in pitying terms, that the Scotch are not a musical people, that they have no art history, nor any connection with the forms of musical thought wrought out in the complete harmonisation of modern times by measured scales of fixed tones.

"True, we may not have the artificial terrace and stuccoed figures of the Rhine or the Rhone, but we have the heathery slopes and craggy steep of our native hills, and with them the stately dignity and silence of the pine forest, and the wild leap and joyful life of mountain torrent and wave, and with them the gracious association and hallowed record, in loveliest song, of every incident which could dignify the life or elevate the honour of a nation, long before a single chord was tied in Germany, Italy, or France, of the music of the measured scales.

"Has the progress of the musical art advanced in proportion to the increase of her opportunities ?" *Just Intonation in Song and Speech*, by James Walker, pp. 57, 58.

¹⁰⁹ *Burgh Records of Edinburgh*, Vol. I., p. 52.

and other names ; but their functions were well understood, and consisted in playing favourite pieces of music in their progress through the town every morning, and in the evening after the ringing of the curfew bell. On high occasions they attended the magistrates ; and at Aberdeen the abbot and prior of Bon-Accord, when their festivals came round. ¹¹⁰

In preceding pages it was mentioned that there were various musical instruments familiar to the people of Scotland. Though the human voice is the best of all instruments, nevertheless the development and improvement of musical art greatly depend on instruments.

The performance of a complicated piece of music requires many instruments. Skill, therefore, in instrument-making is an essential condition of success, and by no means a simple matter. To harmonise the sounds of a number of wind and stringed instruments is an extremely complex and difficult thing. And the tuning of instruments to play together was long in being attained. Although the noblest of the keyed instruments—the organ—was brought to considerable perfection in the 14th century, and by the end of the next it may be said to have been almost perfected.¹¹¹ Here as everywhere else it was not the want of musical faculty or genius which was the retarding element, it was the want of means, that is to say, greater delicacy and more perfect tuning of the instruments—in short, it was a point of manipulating dexterity.

Our countrymen at this period stood rather low in the department of musical instrument making ; indeed long after we were far behind other countries. Many musical instruments, however, were in use among the Scots. In a rhyme supposed to have been written about the middle of the 15th century, there are upwards of twenty musical instruments noticed. And we have seen the harp, the lute, the bagpipes, some kind of

¹¹⁰ *Burgh Records of Aberdeen*, Vol. I. *Kennedy's Annals*, Vol. I., p. 98

¹¹¹ *Hullah's History of Modern Music*, pp. 138-144.

fiddle, and other instruments, were in common use among the people.¹¹²

Touching the fiddle or violin, it has passed through many modifications. The principle of a stringed instrument was known from a very early period. In the middle ages there were several instruments somewhat resembling the violin, but the art of making and perfecting this fine instrument was the work of modern times.

It was hinted a few pages back that dancing prevailed among all classes of the people. We came incidentally on evidence of this amusement. The practice of dancing is of great antiquity, its origin is lost in the mists of fargone ages.

Some may think dancing is below the dignity of the historian to notice. And it is indeed true, historians have told us far more about those individuals who mostly spent their lives in efforts to destroy as many of their fellow-creatures as they could; men who created suffering, wretchedness, and woe in the world; these are the characters they have all along attempted to throw a hallow of glory around. It is the more necessary then for him who wishes to touch the real life of a people, and in the end increase the sum of human enjoyment, without hurting any one, to give some account of the dancing.

Dancing is especially valuable as a harmless and invigorating amusement for young people. Those who have never danced themselves cannot enter into the pleasing feelings and sentiments associated with it, and therefore they cannot give a sound opinion on the matter. The notions which some hold on this form of diversion, and on every form of effusive art, are ridiculous and stupid, and pernicious in the highest degree. It is time that those who profess to instruct mankind should know something more of human nature and the living world around them.

In the popular ballads there are often references to dancing.

¹¹² *Ancient Scottish Melodies* (W. Danney), pp. 97, 98, Intro. See also the poem, *Peblis to the Play*.

In the poem of *Christ's Kirk of the Grene*, already noticed, there are two or three stanzas on the dancing of the people. The strains of the minstrel caused old Lightfoot to shake himself, while the younger people stepped and footed with great glee. In short, poetry itself is only an eloquent dance, and dancing a silent poetry.¹¹³

We have seen James IV. was fond of dancing, and it appears his queen also enjoyed it. Dunbar the poet danced in the queen's chamber:—

“Then cam in Dunbar the mackar,
On all the flure there was nane fracker,
And there he danced the Dirry-dantoun,
He hopped like a pillie wantoun;
For huiff of Musgraiffe, men tells me,
He tripped until he tint his pantoun.”¹¹⁴

It is supposed that dramatic representation owed its revival to the Catholic religion. To relieve the tedium and dispel the clouds of monastic indolence, the clergy sometimes had recourse to dramatic exhibitions, founded on some mystical passage of the Scriptures; hence they were called mysteries. They were at first performed in the churches as acts of devotion.¹¹⁵ Representations of this sort prevailed in Scotland and other countries of Europe in the Middle Ages. In 1440 the mystery of the holy blood was acted at Aberdeen 'on the Windmill Hill.¹¹⁶

At this time it is not always possible to distinguish the dramatic actor from the bands of tumblers, rope-dancers, buffoons, minstrels, and fiddlers who amused our kings and nobles. Several of these callings were at times exercised by the same individual. A professed buffoon or jester bears some resemblance to the actor, though there are points of difference.

¹¹³ Tytler's *Remains of James I.*, pp. 169-171. And James Walker on *Just Intonation in Song and Speech*, p. 80.

¹¹⁴ Irving's *History of Scottish Poetry*, p. 228.

¹¹⁵ Buchanan's *History of Scotland*, B. X., Ch. 39.

¹¹⁶ Kennedy's *Annals of Aberdeen*, Vol. I., p. 90. *Burgh Records of Aberdeen*, Vol. I.

The player retails the humour of others, but the jester was a trader in farce of his own. Persons of this description are often mentioned in our early records. Their business was to amuse those who retained them with bold and comic remarks on the incidents of the day, and ludicrous representations of character. The jester usually wore a fantastic garment, an open mark for the wit of every joker, and in his turn was privileged to exercise his talents without regard to time, place, or person ; and sometimes the highest dignitaries winced under the biting sarcasm of the professional fool.¹¹⁷ There was a fool attached to the court of the Scots kings in the 15th and 16th centuries.

The Abbot of Unreason, a sort of dramatic character, appears in Scotland in the first half of the 15th century. The mock Abbot of Melrose and the Abbot of Bon-Accord appear at an early period as a kind of comic fellows. At the celebration of the marriage of James IV., a company of English actors regaled the court with a dramatic performance.

Moralities, or moral plays, succeeded the mysteries. They approached nearer to the regular drama, presenting something like a plot, character, and incident ; but still with a curious jumble and commingling of characters. It may once for all be stated that Scotland has never attained to eminence in the department of dramatic literature.

In drawing this chapter and volume to a close it must be stated, in the writings of the Scotch rhymers and poets we have found much humour, and here and there real comic touches. From the siege of Berwick onward a vein of the satirical, the scornful, and the defiant runs through their writings. With all their rudeness and credulity we nevertheless find many admirable traits of character. The people manifested in various directions a great capacity for mirth and enjoyment ; in spite of all the unpropitious circumstances around them the energy and buoyancy of their nature enabled them to take a considerable measure of enjoyment out of life. Probably mankind have

¹¹⁷ *Treasurer's Accounts.* Irving's *History of Scottish Poetry.*

always enjoyed more happiness than is commonly supposed. Cold is the heart that never stirred and the soul that never glowed; dull is the ear that never thrilled and the eye that never beamed; dark is the face that never smiled and the cheek that never blushed; weak is the foot that never frisked and the hand that never toiled.

Having presented the early and middle history of Scotland, shown the circumstances and causes in operation, and the state of the people down to the end of the 15th century: here the modern history of the nation may be considered to begin.

The next volume will be wholly occupied with the 16th century; the materials are ample, and the condition of society will be fully exhibited.

The third volume will continue the political sketch down to the last rebellion, 1746. It will also contain the social and intellectual history of the 17th century. After this a separate section will not be required for political history, that department henceforth falls naturally into the greater and more complete history of the United Kingdom. Any political peculiarity of the Scots can be handled in one or other of the remaining sections.

The fourth volume will comprise a history of the literature and philosophy of Scotland in the 18th century; the progress of trade, manufacture, and commerce; the social state of the people, the rise of new influences, and the spirit of the times. This is an era of true glory in the history of Scotland, and it has never been written.

The fifth and last volume, following the same method, will continue the history past the middle of the 19th century down to the establishment of the new Education Act, 1873. Finally, in a concluding chapter, an attempt will be made to grapple with some of the outstanding problems of politics, sociology, and religion, which interest the present generation.





